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In the shadow of the vote? Decisionmaking efficiency in the European Community 1974 - 1995

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**In the Shadow of the Vote?
Decisionmaking Efficiency in the
European Community 1974-1995**

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Abstract

The 1987 Single European Act (SEA) is frequently identified as a momentous landmark for European integration because it altered voting procedures in the Council of Ministers – substituting widespread qualified majority voting for the unanimity which had prevailed since the famous Luxembourg Compromise of 1966. Accordingly, nearly all accounts portray the 1970s as a time of enormous inefficiency and legislative stagnation, and hail the post-SEA period as one of expedited decisionmaking and an “unblocking” of proposals which had languished for years in the Council.

However, despite widespread speculation about the significance of the SEA, only impressionistic accounts exist of post-SEA decisionmaking. This paper represents the first systematic effort to assess efficiency both prior to and after the institutional reforms of 1987. Based on comprehensive data for EC Directives proposed since 1974, the paper calculates legislative volume and decisionmaking speed over a twenty-two year period, and employs a multiple regression analysis to identify the determinants of efficiency over time and across policy sectors. The findings challenge several fundamental assumptions in the literature, revealing that in the 1970s decisionmaking efficiency was much higher than is often assumed, that the effects of the Luxembourg Compromise have been exaggerated, and that efficiency gains attributable to extending the shadow of the vote in 1987 have for the most part failed to materialise.

Zusammenfassung

Die Einheitliche Europäische Akte (EEA) von 1987 wird häufig als ein Meilenstein der europäischen Integration betrachtet, weil mit ihr Abstimmungsverfahren im Ministerrat geändert wurden: Das seit dem bedeutenden Luxemburger Kompromiß von 1966 vorherrschende Prinzip der Einstimmigkeit wurde nun in vielen Bereichen durch Abstimmungen mit qualifizierter Mehrheit ersetzt. Folgerichtig charakterisierten nahezu alle Darstellungen die siebziger Jahre als eine Zeit außerordentlicher Ineffizienz und legislativer Stagnation und preisen die Zeit nach EEA als eine Phase zügiger Entscheidungen und der Auflösung der Blockadehaltung gegenüber Anträgen, die über Jahre hinweg im Ministerrat blockiert waren.

Trotz umfangreicher Spekulationen über die Bedeutung der Einheitlichen Europäischen Akte existieren jedoch nur impressionistische Beschreibungen der Entscheidungsfindung in der Zeit nach EEA. Dieser Aufsatz stellt den ersten Versuch dar, die Effizienz von Entscheidungsprozessen sowohl vor als auch nach den institutionellen Reformen von 1987 systematisch zu bewerten. Auf der Basis von umfangreichem Datenmaterial über seit 1974 eingebrachte EG-Richtlinienvorschläge wird das gesetzgeberische Volumen und die Dauer der Entscheidungsprozesse über einen Zeitraum von 22 Jahren erfaßt, wobei zur Ermittlung der Effizienzdeterminanten über diesen Zeitraum und quer durch alle Politikbereiche die multiple Regressionsanalyse angewendet wird. Die Ergebnisse stellen einige der in der Literatur vorherrschenden fundamentalen Annahmen in Frage, denn sie verdeutlichen, daß die Entscheidungseffizienz in den siebziger Jahren weitaus höher war als häufig angenommen wird, daß die Auswirkungen des Luxemburger Kompromisses übertrieben bewertet wurden und ein Effizienzzuwachs, welcher dem 1987 geänderten Abstimmungsverfahren zuzuschreiben wäre, größtenteils nicht nachvollziehbar ist.

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1 Introduction

The vast literature on European integration shares several deeply ingrained perceptions about the history of voting rules, institutional change and policymaking in the European Community (EC). One is the universally accepted view that although the Community's original treaty formally provided for widespread qualified majority voting (QMV) by 1969, Charles de Gaulle insisted on protecting French "vital interests" from being undermined by majority vote, and from 1966 onwards unanimity became the norm in the Council of Ministers under the terms of the so-called Luxembourg Compromise.¹ There is also general agreement amongst EC scholars about the consequences of the Luxembourg Compromise – that de Gaulle "managed to introduce national vetoes on all issues bar the budget ... [which] more or less froze progress for the next twenty years" (Duchêne 1994: 332). Although Community activity did not grind to a halt after 1966 – some significant pieces of legislation were adopted and the EC collaborated in a range of international negotiations – there exists a general belief that the constant veto threat produced serious inefficiency, evident in patchy, slow and cumbersome decisionmaking. This view is shared by European and American observers alike. William Wallace, for instance, has argued that between 1975 and 1979 the Community made "only modest achievements in common positions and common action" and that "the observer could detect a mood of weariness and disillusion in many national capitals from 1977 on" (Wallace 1983: 378). Expanding the period of malaise slightly, Alberta Sbragia has written that "it is certainly true that the Community had reached a political stalemate during the 1970s that continued into the 1980s. The need for unanimity on all decisions taken by the Council of Ministers had led to political paralysis in the Council" (Sbragia 1993: 94).

These deeply held perceptions derive partly from the fact that in 1978 a Committee of "Three Wise Men" was established to identify the causes of and potential remedies for the perceived inadequacies of EC institutional performance. Their

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1 Amongst the many conceptually diverse treatments of EC policy and politics, that the Luxembourg Compromise represented a defining moment in Community development is one of the few issues upon which there is general agreement. See Taylor (1983: 20), Nugent (1989: 320-321), Webb (1983: 23), Dinan (1994: 55-59, 251), Van den Bos (1994: 23), Peters (1992: 84).

report introduced the term *lourdeur* to describe the general phenomenon of legislative stagnation due to “cumbersome and inappropriate” decisionmaking machinery and procedures (EC 1979: 7–8). According to the report, not enough progress was being made towards European Union, only some of the treaty’s objectives had been transformed into legislation, and even this “rather modest output” consumed an excessive amount of time and energy within the EC’s institutions (EC 1979: 11). Structural change was seen then and has since been viewed by scholars as one of the keys to renewed integration. Among its many recommendations, the report argued that decisionmaking efficiency would only increase if the Luxembourg Compromise were replaced by frequent recourse to qualified majority voting (EC 1979: 28, 40).

This is precisely what happened eight years later with the passage of the 1987 Single European Act (SEA), which signalled a political willingness to abandon the Luxembourg Compromise on proposals already subject to QMV, and formally amended the treaty to allow majority voting in areas previously governed by unanimity. While the underlying reasons for the SEA’s timing and adoption remain matters of intense debate, there is a strong consensus that it signified a momentous landmark along the path to wider and deeper European integration. According to all conventional wisdom, the Act heralded an era of pervasive QMV, which in turn “unblocked” a wide range of proposals and yielded dramatically more efficient decisionmaking (Wessels 1991; Ehlermann 1990; Majone 1993). More precisely, it was the mere possibility and threat of QMV – which I refer to throughout this paper as “the shadow of the vote” – rather than an actual vote which provided the impetus for concessions and expedited decisionmaking.² The usual view of EC history holds that the shadow of the vote formally fell on legislative proposals prior to 1987 but was rendered ineffective because of the Luxembourg Compromise, and that the SEA gave effect to this shadow as well as expanding its scope to cover proposals in new policy areas.

2 Particularly from a spatial model or rational choice perspective, formal voting rules occupy a central position in the vast literature on why and how institutions matter (Scharpf 1997: ch. 7; Tsebelis 1994; Pollack 1997; Alt/Shepsle 1990). For Council decisionmaking dynamics one would therefore expect voting procedures, and changes to those procedures, to act as a powerful institutional constraint which conditions the behaviour of actors. The Commission noted in 1990, for example, that “even if it is not always necessary to go to the vote, the option of putting proposals to the vote has led to the rapid adoption of directives” (EC 1990: 2). This prediction also covers domestic actors associated with Council negotiations. For example, Wessels argues that the threat of QMV also improved decisionmaking speed by “mobilis[ing] the internal procedures within national capitals” and forcing governments to adopt more flexible negotiating positions (Wessels 1991: 147).

Despite the ubiquity of these perceptions about EC voting rules, institutional change and the significance of the SEA for EC integration, there have been only two empirical studies made of EC decisionmaking efficiency prior to 1987, both of which suffer from severe methodological limitations, and only impressionistic accounts of post-SEA decisionmaking. This paper represents the first systematic effort to assess EC decisionmaking efficiency both before and after the institutional reforms of 1987, and thereby test the effects of extending the shadow of the vote. Based on comprehensive data for all Directives proposed since 1974, the paper examines various aspects of decisionmaking efficiency over a twenty-two year period. The findings challenge several assumptions, revealing that in the 1970s decisionmaking efficiency was much higher than is often assumed, that the effects of the Luxembourg Compromise have been exaggerated, and that efficiency gains attributable to institutional reform of voting rules in 1987 have for the most part failed to materialise.

The analysis proceeds as follows. The next section describes the mechanics of EC decisionmaking and briefly reviews the findings and limitations of previous treatments of the efficiency issue. Sections three and four outline the analytical and methodological refinements undertaken in this study, and develop several hypotheses about the effects of the SEA on EC decisionmaking efficiency. In the fifth section these hypotheses are tested against empirical evidence from the period 1974–1995, and the results presented as descriptive statistics. Hypotheses about decisionmaking speed are then formalised and tested in section six with a multiple regression analysis. The final section draws out some of the study's implications and outlines areas where additional research is required.

2 Previous Studies

The EC legislative process involves three main institutions – the Commission, the Council and the European Parliament.³ The Commission enjoys almost exclusive power to propose legislation, upon which the Council then deliberates. Each pro-

3 This stage of the study did not explicitly examine the effects exerted by the European Parliament on EC decisionmaking efficiency, although the concluding section briefly discusses this as an area of future research. For many years it played a marginal role, until treaty amendments in 1987 and 1993 expanded the Parliament's influence beyond merely providing advice. While its role remains very much secondary to that of the Council and Commission, in most cases the Parliament can now amend, delay and sometimes block legislation, powers which certainly influence the overall dynamics of policymaking as well as the content of EC legislation. A growing literature explores the implications of the European Parliament's powers. See Tsebelis (1994), Moser (1994), Pollack (1997), Judge et al. (1994), Bradley (1997).

posal is subject to one of two different decision rules in the Council – unanimity or qualified majority voting.⁴ The Treaty provision (or provisions) each proposal is based upon is originally a matter for the Commission to decide, and this choice determines the applicable decision rule in Council. The legislation issued by the Commission and Council can take four forms: Regulations, Directives, Decisions and Recommendations.⁵ Only the first three types of instrument have binding force, and of these, Directives and Regulations are the most relevant to an analysis of decisionmaking efficiency, as many Decisions are highly specific and are, in effect, administrative rather than legislative acts (Nugent 1989: 148). This paper deals exclusively with Directives, although the same analytical techniques could be extended to cover Regulations.

Only two empirical studies have addressed EC decisionmaking efficiency. The first was carried out in 1986 by Krislov, Ehlermann and Weiler, and examined the period 1958–1981, the second was conducted by Thomas Sloot and Piet Verschuren and analysed the period 1975–1986. The Krislov study introduced an important distinction between substantive and mechanical *lourdeur*. While substantive *lourdeur* relates to the deterioration in content and quality of EC legislation, and is thus highly subjective, mechanical *lourdeur* is manifest by three central quantitative measures of efficiency: declining Commission output (proposals), declining Council output (adoptions), and slowness of decisionmaking (speed) (Krislov et al. 1986: 33–34). Later in their study Krislov et al. introduce the notion of legislative backlog (proposals minus adoptions each year) as an additional measure of efficiency. The authors explicitly focused their attention on mechanical efficiency, and made only passing reference to matters of substantive *lourdeur*. The Sloot and Verschuren study was mostly concerned with decisionmaking speed, but included information about several of the other mechanical efficiency indicators. It too focused exclusively on mechanical *lourdeur*.

While some of the findings were inconsistent between the two studies, they each concluded, contrary to the fears expressed in the report of the Three Wise Men, that EC decisionmaking efficiency had improved steadily over time. Commission

4 In a limited number of cases proposals are subject to a simple majority vote in Council, but for the purposes of the present analysis these are classified together with QMV.

5 Article 189 of the Treaty notes the differences amongst these five instruments: “A Regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States. A Directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods. A Decision shall be binding in its entirety upon those to whom it is addressed. Recommendations and Opinions shall have no binding force.”

and Council output had either risen in the late 1970s (Sloot / Verschuren 1990), or adoptions had declined at a slower rate than proposals so that the Council made a “dramatic” year-by-year reduction in the backlog of legislation (Krislov et al. 1986: 55). Each study also found that decisionmaking speed had increased during the period under consideration. The Krislov study therefore concluded that up until 1981 there was no evidence of mechanical *lourdeur* in the EC. Sloot and Verschuren extended this prognosis to cover the period through 1986, and conjectured that efficiency was set to improve still further after the adoption of the SEA.

However, these sanguine accounts contain a number of important methodological and analytical limitations. The seminal Krislov study, for example, while suggestive, did not compile reliable estimates of the volume or speed of Community legislation, and did not attempt to identify the decisive factors governing decisionmaking efficiency. For example, the study found only 108 proposals during the period 1974–1979, including Directives, Regulations and Decisions, but this underestimates the actual amount of legislation by a factor of 15 at the very least. Commission databases indicate that during this period, even excluding a vast number of Decisions, there were almost 1300 basic proposals for Regulations and 364 basic proposals for Directives.⁶ Moreover, 37% of the cases examined were rendered useless for measuring decisionmaking speed because they lacked proposal dates (Krislov et al. 1986: 110).

The study by Sloot and Verschuren, while considerably more rigorous and replicable, was conducted prior to the SEA and thus does not illuminate the effects of enhanced QMV. Nor does it provide a comparison of legislation proposed in specific policy areas. Several more recent analyses of EC decisionmaking all contend that the SEA did indeed lead to widespread majority voting and substantial improvements in decisionmaking efficiency, but these reports either rely exclusively on the two earlier studies (Wessels 1991; Wallace 1991; Wallace / Wallace 1997), or reach conclusions based on personal impressions of Community decisionmaking dynamics rather than systematic empirical data (EC 1990; Ehlermann 1990; Dehousse 1989).⁷

6 The Krislov data was also biased, in that the sample of 108 cases did not accurately reflect the larger population of Commission proposals. As the authors note, the sample was “certainly not representative in the statistical sense of the word” (Krislov et al. 1986: 109), in part because only seven of the twenty-three Directorates General in the Commission provided data on proposals within their respective policy domains.

7 Dehousse asserted in 1989 that “One can already note a clear shift away from unanimity in the Council’s practice: instances of majority voting are now much more frequent than they were five years ago,” (1989: 121) but does not provide any data. Ehlermann claimed in 1990 that the SEA had been a “startling success”, that “substantial use had been made” of qualified majority voting since the SEA, and that

Like these other works, the present study focuses exclusively on mechanical rather than substantive *lourdeur*. It adopts the same four central indicators to operationalise the term “efficiency” – changes in Commission input, Council output, legislative backlog, and decisionmaking speed. Like previous studies, increasing efficiency is conceptualised as more work (input and output) being done in less time, with less legislative backlog. The interaction of these indicators is discussed throughout the paper, and their potential relationship with substantive decision-making efficiency is taken up in the concluding section.

It is essential to make clear from the outset that at no point is the following analysis of these indicators meant to convey a normative message. No attempt was made to distinguish or code the political salience of each individual proposal. The only point at which political salience of proposals enters the analysis is at the aggregate level. By concentrating on directives, and only basic proposals, this study incorporates two of the characteristics usually associated with important legislation. Moreover, the dataset includes nearly all of the “important” proposals contained in the landmark 1985 Commission White Paper because they were predominantly directives. Regulations, by contrast, often deal with less sensitive subject matters, and are adopted in bulk packages each year, for example when agricultural prices and common customs duties are set.

Similarly, no explicit attempt was made to ascertain how changes in mechanical efficiency correspond with the “quality” or substantive content of adopted legislation, although several candidate hypotheses are discussed briefly in the concluding section. Increasing efficiency is not necessarily a good thing or a desirable objective, nor does it necessarily indicate that EC institutions are operating better than before or generating policy which enjoys greater legitimacy.

this had quickened the decisionmaking process (Ehlermann 1990: 1104). While undoubtedly this description accurately depicts the relative speed of some legislation, no reasons are given to generalise beyond the individual proposals mentioned in the article. In sharp contrast to these views, unpublished findings by König and Schulz indicate that while QMV has a positive effect, decisionmaking efficiency has fallen since the SEA as forward lagtimes rose steadily (König/Schulz 1996). The strength of this claim is questionable, however, as the authors do not gather data for years prior to 1984 which is necessary to enable meaningful comparative statements about the post-SEA period, and their formal model does not include interactive terms in the regression analysis which would distinguish between regulations and directives when discussing changes in decisionmaking speed over time. They also assume that the Luxembourg Compromise dissolved in 1984, and they do not address central issues such as legislative backlog, the White Paper, or the “unblocking” of pre-SEA proposals.

3 The Data

When assessing the decisionmaking efficiency of EC institutions one is immediately confronted with a number of methodological problems in terms of data gathering. While the Official Journal of the European Communities (L and C Series) contains many of the original Commission proposals and subsequent Council adoptions, substantial numbers of proposals are not reported.⁸ Moreover, proposal dates and legal bases are frequently omitted. To overcome these limitations, the present study compiled data from official electronic Commission databases. For most measurements reliable information was available for all years since 1974. In some cases complete information was available only for 1976 and subsequent years. The full dataset includes 1273 Commission basic proposals for Directives made during the period 1974–1995, as well as 56 proposals made in previous years which were adopted during this period.⁹ As of 31 December 1996, 992 of these 1273 proposals had been adopted, 205 were still pending, 68 had been withdrawn and 8 had been replaced.

Proposals were coded by their legal basis under the treaty, which identifies whether they were subject to unanimous or qualified majority voting procedures, and by policy area.¹⁰ Where a proposal was subject to multiple legal bases, its voting rules and policy area were coded only by the most restrictive treaty provision (in such cases the Council does not have the right to choose between unanimity and QMV, but is constrained by the more restrictive of the various legal

8 Article 191 of the Treaty, which was amended in 1993, indicates which types of secondary legislation must be published in the Official Journal, and accounts for the difference between the incomplete published record and the comprehensive Commission databases. Prior to 1993, only Regulations were subject to obligatory publication whereas Directives and Decisions only had to be notified “to those to whom they are addressed” (e.g. individual Member States). After 1993 obligatory publication was extended to cover “Directives and Decisions adopted jointly by the Council and the European Parliament” and “Directives addressed to all Member States”; all other Directives and Decisions remained unpublished.

9 Basic proposals exclude amended, revised and completed proposals. As an indication of how the printed form of the official journal underestimates the number of proposals, a search of the Official Journal (OJC) by James Walsh found 221 proposed directives during 1980–1984, including revised and amended proposals, while the present sample contains 263 entries for the same period, just counting basic proposals.

10 Proposals were divided into five policy sectors: Agriculture (Articles 42 and 43), Free Movement (Articles 49–73), Transport (Articles 75 and 84), Taxation (Article 99), and Approximation (Articles 100 and 100A). All remaining proposals were classified as “other” and used as the base category for the regression analysis.

bases).¹¹ In addition to calculating the number of directives proposed (input) and adopted (output) each year (and thus the legislative backlog),¹² two types of speed were measured: forward lagtime, defined as the number of days from the date of proposal until the date of adoption, and backward lagtime, the number of days elapsed, at the time of adoption, since a piece of legislation was proposed. Throughout this paper, all references to lagtime and decisionmaking speed denote forward lagtime unless otherwise specified. Yearly totals for input, output, and cumulative backlog (lagged by one year) were then assigned to each proposal.¹³

Excluded from the sample were Directives proposed under the Euratom treaty, as well as a number of proposals for technical amendments based on the Spanish and Portuguese accession treaties. Proposals which were later withdrawn were not assigned an adoption date, and proposals still under consideration were classified as pending.¹⁴ Entries were also excluded where a proposal's joint legal basis precluded a clear distinction between QMV and unanimity.¹⁵ It is important to note that coding was done by proposal rather than adoption, so that many cases

11 Thus a proposal made under articles 43 and 100 was not subject to QMV and was placed only under the heading "approximation". Those based on Articles 43 and 99, for example, were included under taxation. Those based on Articles 43 and 235, or Articles 57 and 235, were classified as "other".

12 As data was unavailable on the number of proposals already pending in 1976, the backlog variable was assigned an initial value of zero.

13 A more precise analysis would assign different backlog figures to proposals made in the same year as legislative volume rose and fell in accordance with Commission and Council activity during the year. Also, the current study does not test whether the involvement of the Parliament, whose role expanded after the SEA and then still further after the Treaty on European Union, exerted a positive or negative effect on decisionmaking efficiency. Most authors have concluded that this expansion has not slowed decisionmaking (Kirchner 1992: 63; Wessels 1991: 142; Ehlermann 1990: 1107-1108; but see König/Schulz 1996).

14 Not assigning adoption dates to withdrawn and replaced proposals will tend to overestimate the legislative backlog, whereas omission of amended and replaced proposals will tend to underestimate the Commission's legislative input and hence the backlog. In practice these effects were almost balanced, as there were 68 withdrawals and 8 replacements which did not receive adoption dates, and 52 modified proposals excluded from the sample. Thus the dataset underestimates the total legislative backlog for directives by only 24 over a twenty-year period.

15 For example simultaneous reference to articles 75 and 84 before the SEA without identifying paragraphs therein. The coding of transport policies involved a certain amount of ambiguity, but it was assumed that reference to article 75 signified QMV unless the derogation for unanimous voting was specified. Similar assumptions were made when coding proposals in other areas, such as those under Article 57 in free movement.

dealing with approximation (particularly those associated with the White Paper) appear under Article 100 and unanimity although they were eventually adopted under Article 100A and QMV. The dataset therefore does not isolate for analysis those proposals which the Commission reclassified under a different legal basis after the SEA.

4 Hypotheses

The notion that the 1970s were the “dark ages of the Community” (Keohane/Hoffmann 1991: 8) and a time of “Eurosclerosis” is widely shared by EC lawyers, historians and political scientists. Observers emphasise how during the late 1970s the EC was hamstrung by institutional sclerosis (Pinder 1986: 48), “beleaguered by national differences, and the resulting inability to develop common policies” (Slater 1982: 76, 86, see also Milward et al. 1993: 24). Others suggest that the 1970s were marked by “the lack of purpose and the irresponsible wasting of time” (Pelkmans 1988: 363), as well as “the painful slowness of decisions” (Dehousse 1988: 316).¹⁶ In short, there is practically universal agreement amongst scholars that “the terms ‘Eurosclerosis’ and ‘Europessimism’ encapsulate the history of the Community in the mid-1970s,” that “the inefficiency of the Brussels bureaucracy in the 1970s became a metaphor for the Community’s decline,” and that “the Council of Ministers’ indecisiveness lay at the root of Brussels’ institutional immobility” (Dinan 1994: 69, 93-94).

It is against the background of this supposed nadir that the SEA served to “relaunch” the Community in 1987, signalling a willingness on the part of member states to apply QMV to a multitude of proposals which had languished for years in the Council, as well as across a range of new policy areas such as environmental and social policy. The utilisation and extension of QMV was seen as the key to overcoming institutional inertia and improving efficiency. As Jacques Pelkmans argued, in order to fulfil the SEA’s objective of completing the single market it was crucial “to alter the institutional balance and improve decision-making” which was plagued by “appalling inefficiency” and “the excessive impact of veto power on numerous non-vital issues” (Pelkmans 1988: 361). To the extent that the SEA altered this balance by substituting QMV for the national veto, it should have had a dramatic effect on decisionmaking efficiency. As Sbragia comments, “the permissibility of qualified majority voting lies at the core

16 Kirchner is yet another observer who characterised EC decisionmaking in the 1970s as “very complex, cumbersome and slow” (Kirchner 1992: 43).

of the institutional changes wrought by the SEA" (Sbragia 1993: 101). Similarly, Nugent suggested that "[i]n the 1970s and early 1980s policy development was extremely sluggish" but should have improved ever since (Nugent 1989: 324), while Wessels has claimed that "on average, after the SEA the Council has taken decisions four times as fast as before" (Wessels 1991: 142). The personal accounts of inside observers such as Ehlermann about the nature of post-SEA decision-making reinforce such expectations (Ehlermann 1990).

Predictions about changing decisionmaking efficiency and the role of institutional reform are complicated by a multitude of factors, including among other things the effects of Community enlargement, the plethora of domestic and international political considerations which condition member state bargaining positions, changes in the Commission Presidency, the role of the European Parliament, the events surrounding the presentation and handling of the Commission's White Paper (also known as the "1992 project") (EC 1985a) and the negotiations over the Maastricht Treaty on European Union. Many of these factors are well beyond the scope of the present analysis, and some might be too complex to incorporate within a quantitative model of the decisionmaking process. The 1985 White Paper, however, lends itself to quantitative analysis and is of particular concern because of its potential implications for legislative volume and speed: one would expect that its almost 300 directives would swell legislative input and output, while majority voting, the concept of mutual recognition and the "new approach" – whereby the Council would agree upon minimal health and safety requirements and delegate the remaining difficult technical issues to standardisation bodies – were all viewed as means to expedite the decisionmaking process and also to avert or possibly reduce backlog.¹⁷

The standard portrayal of EC history summarised above leads to eleven empirically testable hypotheses, grouped into three categories. For the pre-SEA period, we would expect to find:

- 1) *1970s Eurosclerosis* – in that some or all measures of mechanical lourdeur increased during the 1970s. Some authors would predict decisionmaking efficiency to drop after 1975, others after 1977, but the general phenomenon of "Eurosclerosis" should be apparent in all the years leading up to the SEA.
- 2) *An inconsequential QMV shadow prior to the SEA* – in which case proposals subject to QMV prior to the SEA would have fallen victim to the Luxembourg Compromise and would have been adopted at more or less the same speed as

17 Details of the new approach are found in EC (1985b, 1985c) and discussed in Lauwaars (1988).

those proposed under unanimous voting procedures. In other words, one would not expect that the shadow of QMV prior to 1987 had an appreciable effect on decisionmaking speed or backlog.

- 3) *Pre-SEA lourdeur*. The years 1984-1987, when the member states were negotiating the SEA, should exhibit considerable *lourdeur* as the White Paper swelled legislative volume which was not yet subject to widespread majority voting. The effect of the White Paper on efficiency would be concentrated in this period because 62% of its 300 or so proposals originated in the years 1984-1987, whereas only 23% originated in, and were spread evenly across, the previous seventeen years. Backlog should therefore increase and speed should decrease in the run-up to the SEA.¹⁸

For the post-SEA period we would expect:

- 4) *Widespread efficiency gains*. According to most observers we should find that the SEA expanded the scope of QMV, which in turn improved efficiency. The strongest form of this hypothesis would predict a substantially enlarged "shadow" of QMV after 1987, as well as general improvement across all indicators: greater Council and Commission output, accelerated decisionmaking and decreasing legislative backlog. Mutual recognition and the "new approach" would also contribute to efficiency gains in terms of greater Council output combined with improved speed (Whynes 1995: 158-159). Under these conditions the EC's decisionmaking apparatus would cope well with the Commission's White Paper, absorbing the new workload without sacrificing efficiency. This possibility is made all the more likely by the fact that after the SEA 81% of the proposals in the White Paper could have been adopted by QMV (EC 1990: 3).
- 5) *Predictably diverging speeds*. Starting in 1987, the demise of the Luxembourg Compromise should result in proposals subject to QMV being adopted more quickly than those remaining under unanimous voting. Graphically, two dis-

18 Some commentators have argued that member states actually agreed to end the Luxembourg Compromise and pursue widespread majority voting in 1984 or even earlier. Bassompierre suggests that Britain being outvoted in 1982 on an EC agricultural policy decision "led all succeeding presidencies ... to call more and more often for a vote" (Bassompierre 1988: 28). And Ludlow rightly points out that, after all, the Intergovernmental Conference which produced the SEA was itself a product of a majority vote at the June 1985 Milan meeting of the European Council (Ludlow 1991: 114). If these authors are correct, decisionmaking efficiency should improve accordingly, even before adoption of the SEA.

tinct lines should appear after the SEA as the average speeds for proposals classed under the respective decision rules diverge.

- 6) *Sectoral efficiency gains (Mechanism I)*. Very large increases in efficiency should be apparent in policy areas whose legal basis shifted from unanimous voting to QMV after the SEA. This particularly includes proposals dealing with approximation of laws (Article 100) and transport (Article 84[2]).
- 7) *Unblocked proposals and decreased backlog*. The SEA has been attributed with "unblocking" large numbers of proposals held hostage in previous years by national vetoes, so that the number of adoptions would exhibit an upward "spike" immediately after 1987 and legislative backlog would decline dramatically thereafter. Similarly, at the point where the Luxembourg Compromise was abandoned, the unblocking of proposals which had been subject to veto for many years would produce a substantial spike in the backward time lags. Once these old proposals were cleared, the graph of backward timelags should fall precipitously.
- 8) *Sectoral efficiency gains (Mechanism II)*. Policy areas previously subject to QMV but in practice hostage to the Luxembourg Compromise should manifest improved efficiency after the SEA. This includes proposals in agricultural policy (Article 43) and free movement (Articles 49-73).
- 9) *Predictable features of pending legislation*. If the SEA extended the shadow of QMV, then by the end of 1996 pending legislation should exhibit predictable characteristics. First, it should be predominantly new legislation if the SEA unblocked the mass of languishing proposals which were then adopted in the years immediately following 1987. Second, the body of pending legislation should certainly not contain a large number of proposals which were made prior to the SEA and subject to QMV, because it is precisely this category which should have experienced the improved efficiency associated with the demise of the Luxembourg Compromise.
- 10) *Post-Maastricht efficiency gains*. The further extension of QMV by the Maastricht Treaty (ratified in 1993) should have improved decisionmaking efficiency compared to the years 1987-1992.

Regardless of time period we would expect to find:

- 11) *Interaction amongst efficiency indicators*. One possibility is that continuing deliberation over pending proposals consumes a portion of the Council's current agenda space and lengthens the period necessary for discussing new proposals. One of the Commission's primary institutional interests is to have

its proposals adopted, and as rapidly as possible, so that as backlog accumulates the Commission's attention should focus on getting the current batch of legislation through Council and should deter it from "piling on" new proposals. In short, an increase in backlog should increase the lagtime for new proposals and decrease the Commission's legislative input. Backlog and input should thus develop in cycles, with upper bounds past which point the Commission shifts its attention to pending proposals.

5 Descriptive Statistics

Data for the four central measures of mechanical decisionmaking efficiency is presented in Figures 1–6, and in Tables 1 and 2. The growing QMV "shadow" and its effect on speed is presented in Figures 7 and 8, and in Table 3. Characteristics of the legislative backlog and pending legislation are presented in Figure 9 and in Tables 4 and 5.

5.1 The Extent of Eurosclerosis

Contrary to conventional wisdom, which holds that the 1970s were the "dark ages" for the Community, a period marked by enormous inefficiency, sluggish decisionmaking and an atrophy in Community legislation (hypothesis 1), Figure 1 suggests that in fact, of the entire 22-year span under consideration, the years 1974–1978 witnessed the most dramatic and persistent improvement in decisionmaking speed, as the average forward lagtime fell from 1700 days to only 600 days. Moreover, the fact that, rather than falling, legislative input fluctuated and then actually rose in the late 1970s (Figure 3) further weakens the foundations of the Eurosclerosis myth. Finally, the legislative backlog remained very low, even hitting zero in 1978.

Eurosclerosis only made its appearance in 1979, in the form of declining Council output, steadily mounting legislative backlog (Figure 4), and forward lagtimes which rose sharply and remained fairly stable until 1983. Evidence of mechanical *lourdeur* in the Commission only begins in 1981, when the number of new proposals for directives falls off rapidly. The findings contrast with those of Sloot and Verschuren, who claim that from 1975–1986 the proportion of legislation adopted very quickly (within 22 months) increased steadily, rising from 75% in 1975 to 87% by 1986. While this might be the case for the entire range of EC legislation, a

narrower focus on EC directives provides a much different picture. As shown in Figure 2, a dramatic increase in speed occurred during the period 1974–1978, by which point 79% of all directives were adopted within 24 months (38% of them within six months), but this was followed by periods of decline and relative stability. Not until 1987 did the proportion of legislation adopted within 24 months return to its 1979 levels, while the proportion of legislation adopted within 12 months has never fully recovered. Thus it appears that 1979–1983 were the real “dark ages” for the Community, whereas the mid- and late 1970s were highly efficient.¹⁹

The late onset of Eurosclerosis and the dramatic fall in lagtime during the 1970s also contradicts the expected effects of British and Irish accession in 1972. At least for directives, it is simply not the case that “legislative paralysis became chronic in the mid-1970s following the first enlargement” (Dinan 1994: 251) or that EC enlargement from six to nine members inevitably increased the *lourdeur* of decisionmaking (Dehousse / Majone 1994: 94; Majone 1993: 2).

Why didn’t the first enlargement depress efficiency, particularly when it marked the entry of Britain, the “awkward partner” of the Community (George 1990)? One reason might be that British officials operating in Brussels brought with them a tradition of extreme pragmatism which showed little tolerance for time-wasting. On the other hand, one might identify British political culture, with its emphasis on ministerial responsibility and cautious incrementalism, as the fundamental source of awkwardness. A more compelling explanation for why EC decision-making efficiency continued to improve despite British accession might involve the presence of a learning process and the role of incomplete information, whereby the British, as new members, were more willing to sign EC proposals without first subjecting them to intense scrutiny. This was certainly the case in the area of EC environmental policy – British resistance and scrutiny increased over time, as officials learned their way around the Community institutions and realised the full implications of having to implement EC legislation (Golub 1997, 1998).

Whatever the reasons underlying its behaviour in the first few years of membership, it is clear that the onset of Eurosclerosis is attributable not to British entry in

19 These findings lend additional support to scholars such as Wessels, whose scepticism of the Eurosclerosis hypothesis stems from the fact that the number of Council meetings increased steadily throughout the 1970s (Wessels 1991: 139). The timing of Eurosclerosis also dispels assertions that “the legislative situation improved gradually in the early 1980s as political pressure mounted to complete the single market and revive European integration” (Dinan 1994: 252). It also qualifies Sloot and Verschuren’s claim that decisionmaking speed improved steadily from 1975–1981 (Sloot / Verschuren 1990: 77). At least for directives this was not the case.

general, but perhaps more specifically to the “Thatcher effect”. Although Britain’s awkwardness originated as far back as Harold Wilson, and was evident in the 1975 referendum on membership and the renegotiation of its terms (Dinan 1994: 87–91), the data suggests that this political friction did not affect the Community’s overall decisionmaking efficiency, at least not enough to dent the substantial yearly improvements. The downturn in efficiency only began with Thatcher’s arrival, and reflects the general influence of her unique personality as well as her handling of the central political issue at the time, how to structure EC finances. In addition to her uniquely aggressive political style, which contributed little to consensual policymaking in the Council, after 1979 Thatcher became the primary antagonist in a series of ongoing EC budget crises, during which she threatened to obstruct EC decisionmaking until she got her “own money back” (Wallace 1983: 100–105; George 1990: ch. 5).

5.2 Qualified Majority Voting Prior to the SEA

Surprisingly, the data disconfirms the widespread supposition (repeated for instance in the report of the Three Wise Men) that EC decisionmaking prior to the SEA remained sluggish because proposals formally subject to QMV, which should have proceeded quickly, were in practice being held hostage to national vetoes and adopted at the same speed as those under unanimous voting. Rather, in general, and in five out of the six policy areas identified, proposals subject to potential majority voting before the SEA passed through the Council much more quickly than those requiring unanimous consent (Table 2 and Figure 8). The average forward lagtime for directives proposed under QMV during 1974–1987 was one-third lower than that for unanimous proposals, and in three of the years it was even 70–80% lower.²⁰ Contrary to expectations (hypothesis 2), it appears that the effects of the Luxembourg Compromise are dramatically overestimated in the existing literature, and that the shadow of the vote had a considerable positive impact on speed even in the “dark ages” of the Community, over a decade before the SEA altered the EC’s formal institutional rules and informal Council procedures.

20 The effect of QMV varied across sectors, with the following improvements to speed: approximation (47%), free movement (20%), agriculture (49%), transport (23%). The lagtime for the one tax provision subject to QMV was 95% lower than the tax provisions adopted through unanimity. These figures actually underestimate the relative effects of QMV prior to the SEA because a number of proposals subject to unanimity voting were reclassified under majority voting procedures after 1987, which curtailed their forward lagtimes and depressed the height of the 1974–1986 “unanimity” columns in Figure 8.

5.3 Pre-SEA Sclerosis 1984–1987

The three and a half years prior to the SEA (which took effect in June 1987) do not provide a clear picture of efficiency. As Figure 1 shows, the overall speed improved (consistent with those who claim the Luxembourg Compromise was abandoned before the formal changes introduced by the SEA) and then deteriorated (suggesting that frequent recourse to QMV was either absent, irrelevant, or overshadowed by other factors). Moreover, the proportion of directives adopted within six months of proposal rose during this period, whereas the proportion adopted within twelve months actually fell (Figure 2). Changes in legislative volume also give conflicting signals. While both legislative input and output rose sharply, suggesting considerable efficiency, the backlog of directives, while stable at first, jumped by 27% in 1987 (Figure 4). These findings are consistent with the argument that the White Paper and “1992 Project” depressed efficiency (hypothesis 3), even with their emphasis on mutual recognition and a “new approach”.

5.4 Post-SEA Period

One would have expected decisionmaking efficiency to improve substantially in the late 1980s, because of the expanding scope of QMV as well as through the effects of mutual recognition and the new approach. At the same time, the magnitude of this improvement, or its possible absence, would also reflect the impact of the Commission’s White Paper. Figures 5–8 and Tables 2 and 3 present the changing proportion of proposals falling under the expanding shadow of QMV, the average decisionmaking speed for proposed directives, and a breakdown of speed by voting procedure and policy area for the period 1974–1995.

As predicted, the proportion of proposed directives subject to QMV soared after 1987 – over each of the next eight years the Commission placed 75–80% of all its new proposals for directives in the shadow of the vote. Instead of showing improved decisionmaking efficiency stemming from pervasive majority voting as expected, however, the data reveal several counterintuitive trends. On one hand, some important indicators of mechanical *lourdeur* did show improvement, as forward lagtime in the Council fell marginally from 1986–1994, and during this same period legislative input and output fluctuated but rose sharply. On the other hand, the legislative backlog grew by 50%. Thus the most optimistic interpretation of the SEA (hypothesis 4), which claims across-the-board improvements in efficiency, is clearly not tenable. Moreover, the continued downward trend in forward lagtimes is highly misleading: if and when this backlog is adopted, lagtimes will increase for the entire post-1979 period and the shape of the line in Figure 1 might alter dramatically.

In addition to showing the less than spectacular results from the 1987 institutional reforms, the data throw into question the common belief that more pervasive QMV was the causal mechanism responsible for the slight improvements which were made. In other words, decisionmaking efficiency might have improved somewhat after the SEA, but not as a direct result of extending the shadow of the vote. Several facts point towards this counterintuitive conclusion. First, one does not see the demise of the Luxembourg accord reflected in an increasing disparity between proposals subject to QMV and those subject to unanimity (hypothesis 5). Instead, on average, the gap between the two types of procedures is much smaller in the years after 1987 than before. Not only did QMV proposals not make the dramatic improvements expected, but these improvements were evident for proposals outside the shadow of the vote – lagtime for the average QMV proposal introduced post-SEA dropped by 20% while the average lag for proposals requiring unanimity fell by 29% (Table 2). In 1990 and 1994, proposals subject to unanimous voting procedures even took less time than those under QMV (Figure 8).

These findings challenge claims by the Commission that decisionmaking speed did not improve after the SEA in areas still covered by unanimous voting (EC 1990: 3).²¹ They raise similar doubts about the suggestion that Council time lags increased after the SEA for internal market measures subject to unanimous vote (Wessels 1991: 143), just as they belie assertions that it was the enhanced possibility for majority voting which quickened the pace of internal market legislation (Ehlermann 1990: 1104–1106). Finally, social policy provides another example where QMV did not yield rapid decisionmaking after the SEA. Although all 21 of the proposed Directives in social policy were subject to QMV (Table 2), their average forward lagtime was not only the highest amongst those in the shadow of the vote, but it nearly exceeded the average lagtime of proposals under unanimous voting. Decisionmaking after 1987 was slower for social policy under QMV than it was in general for every other policy area besides taxation.

Moreover, one would expect a consistently positive relationship between the proportion of proposals falling under the QMV shadow and the speed of decisionmaking, so that sectors where voting shifted substantially from unanimity to qualified majority after the SEA would exhibit the greatest improvements in decisionmaking efficiency (hypothesis 6). Similarly, substantial improvements should also be apparent in sectors where the Luxembourg Compromise was abandoned

21 The Commission identifies taxation as one such policy area hindered by unanimous voting rules. This claim is only partially correct, and highly misleading. As shown in Figure 5 and discussed below, while it is true that the speed of decisionmaking for taxation directives did not improve immediately after the SEA (in fact it deteriorated), by far the most substantial gains in this field came years before the SEA, in the early 1980s, a period in which 95% of the proposals were subject to unanimity (Table 3).

and there was political agreement to instigate QMV as originally provided for in the treaty (hypothesis 8). However, the data do not support a strictly positive, let alone a linear relationship between formal QMV rules and decisionmaking speed (Table 3).²² Equally tenuous is the connection between speed and changing Council norms. Directives in the fields of approximation and transport passed completely or almost completely from unanimous to QMV voting requirements, yet these two sectors witnessed the least improvements in terms of speed, while the QMV shadow barely altered for agriculture and taxation directives, yet these sectors experienced enormous drops in lagtime. For directives dealing with free movement, the possibility of QMV actually declined, yet this sector made by far the most dramatic improvement in decisionmaking speed.

As shown in Figure 5, the real improvements in decisionmaking speed came at the start of the 1980s, before the SEA. Compared to the 1970s, proposals made during 1981–1986 dealing with free movement and taxation took three years less to pass through Council, and large improvements were also made in the area of approximation. Not only do the post-SEA gains seem almost trivial by comparison, but in some cases they are exposed as illusory – the decisionmaking speed for directives in taxation actually degenerated in the five years prior to Maastricht. The only clear improvement relative to the speeds of 1981–1986 came in agriculture, which is consistent with the predicted effects of institutional reform to Council norms and the political agreement to substitute QMV for the previous tradition of consensus building and potential national veto.

Besides improving decisionmaking speed, the extension of QMV after the SEA was designed specifically to “unblock” the mass of proposals that were being held hostage by the Luxembourg Compromise (hypothesis 7). Graphically, several things should be evident at the point where a legal and political shift to QMV occurred, the former coming in 1987, the latter possibly two or three years earlier. First, there should be a sudden upward spike in the number of Council adoptions, and this bulge in activity should subside in a few years once the Council disposes of the difficult cases left over from the 1960s and 1970s. Second, for the same reasons, legislative backlog should decline dramatically after 1987 (or even earlier). Third, a similar spike should appear on the graph of backward timelags (the average length of time the Council has spent deliberating legislation) because the full effects of a sudden passage of many old proposals would be reflected in the years immediately following the SEA, and backward timelags should drop sharply thereafter.

²² Calculations in Table 3 are based on adopted legislation only, which substantially overestimates the positive effects of QMV on decisionmaking speed after the SEA (because many recent proposals are still pending).

In fact the data reveal that some of these effects did not occur, and that their timing differed from expectations. Figures 3 and 4 show that the number of Directives adopted by the Council did rise suddenly in the period 1984–1986 rather than in 1987–1989, consistent with de Bassompierre's claim that QMV was being widely used even prior to the formal legal changes introduced by the SEA,²³ but that this relatively high Council adoption rate achieved only a trivial decline in legislative backlog, and that backlog continued to accumulate rapidly ever since (except in 1989). Moreover, backward timelags surged in 1982–1984 (Figure 6), suggesting that it was actually during these three years that the Council reached agreement on a large number of old and "difficult" proposals, but Council output remained stable for most of this time, which belies the supposition that agreement came as a result of a political shift towards greater QMV. In short, the various *lourdeur* variables provide no indication that the legal modifications introduced by the SEA marked the point at which Council decisionmaking dynamics were transformed in a manner consistent with pervasive QMV, or that the shadow of the vote facilitated adoption of the numerous proposals previously blocked by the Luxembourg Compromise. Equally important, the data also belie the view that this shift, and its attendant consequences for efficiency, took place in the years immediately preceding the SEA.

5.5 Pending Legislation

If the predominant view is correct, that the SEA extended the shadow of the vote and that this dramatically improved EC decisionmaking efficiency, then the legislative proposals still pending as of 1996 should exhibit predictable characteristics (hypothesis 9). Pending legislation should be relatively new, because, both by dissolving the Luxembourg Compromise and by shifting proposals from unanimous voting procedures to QMV, the SEA unblocked the mass of proposals previously trapped by national vetoes. There should also be a vanishingly small proportion of proposals originally made *both* prior to 1987 and under QMV.

As shown by Table 5 and Figure 9, an analysis of pending legislation reveals that extending the shadow of the vote in 1987 (or earlier) had a decidedly mixed impact on decisionmaking efficiency. Surprisingly, pending proposals are not nearly as new as expected – a quarter of them originated prior to the SEA (excluding

23 That backward lags started to climb in 1982 and peaked in 1984 contradicts Ehlermann's recollection that "the first sign that the negotiations on the SEA had removed the taboo surrounding the voting problem" came in December 1985 (Ehlermann 1990: 1104).

1995 raises this proportion to one-third). If all were to be suddenly adopted, which by definition considerably overestimates the decisionmaking speed, none would have been passed in under a year, and their average backward lagtime would still be 6.5 years. This suggests that a substantial number of “hard cases” have lingered on even after the SEA, with its more pervasive majority voting and “new approach” to harmonisation. Although the Commission identified taxation as an area where a particularly large legislative backlog had accumulated (EC 1990: 7), the figures for Directives suggest otherwise – as of 1996, much more than taxation, it was in the sectors of transport, approximation and free movement where one found the preponderance of very old proposals (as well as the preponderance of new proposals). While serious delays clearly remain, the data does reaffirm that proposals subject to QMV tend to proceed faster through the Council than those under unanimity, as the latter, if suddenly adopted, would have twice the average backward lagtime (4.5 years for QMV, 9 years for unanimity).

So pending legislation is quite old, but does it contain a significant number of proposals which should have been unblocked by the SEA’s extension of majority voting?²⁴ Such proposals fall into two separate groups – those originally made under QMV but until 1987 held up by the Luxembourg Compromise, and those shifted under QMV (thus appearing in the dataset as unanimous and pre-SEA). As shown in Table 5, only 4% of pending proposals fall into the former category, evidence which appears to support the efficacy of the SEA. However, the continuing presence of extremely old proposals which could have been adopted by majority vote is actually only relevant in policy sectors where the shadow of the vote played a role before 1987. Tax provisions and approximation, for instance, were almost exclusively a matter of unanimous voting until 1987, which explains the zeros in the fourth column of Table 5. During these years the shadow of the vote fell predominantly on proposals in agriculture, free movement and transport, and the virtual absence of pending legislation in two of these areas by 1996 suggests that the erosion of the Luxembourg Compromise might have facilitated adoption of some difficult cases after the SEA. This unblocking effect appears not to apply in transport, however, where four of the thirteen pending proposals originated under QMV prior to the SEA.

The SEA should also have unblocked a number proposals by allowing the Commission to shift their legal basis from unanimous to majority voting. The two primary areas where this could have occurred are EC laws dealing with approxi-

24 Of all the proposed directives still unadopted at the end of 1996, 54% were originally made under QMV. At first sight this appears troubling, but by itself this figure is not surprising because it reflects the fact that the QMV shadow encompassed 75–80% of all new proposals after 1987.

mation (a shift from Article 100 to Article 100A), and transport (substitution of QMV for unanimity in Article 84). Thus, when assessing the effectiveness of the SEA on these sectors, the relevant indicator is not a small number of QMV proposals left over from the pre-SEA period (we know from Table 3 that there could be almost none), but simply the number of pre-SEA proposals which are still pending years after they might have been reclassified under new treaty provisions. The data tend to show a preponderance of such cases – of all the pre-SEA proposals still unadopted by 1996, those dealing with transport and approximation comprise 74%. Approximation by itself accounts for 64% of the backlog, which indicates that a large number of proposals in this policy sector did not benefit from the new legal provisions introduced by the SEA, or its commitment to a “new approach”. In what many might argue is the most important area of Community legislation, extending the shadow of the veto had only modest effects on this aspect of decisionmaking efficiency, even a decade after the SEA. And in conjunction with the analysis of backward time lags and Council output (hypothesis 7 discussed above), this finding provides additional evidence against the widespread belief that the SEA “unblocked” a vast array of legislation previously held hostage by national vetoes.

A more convincing case can be made that the introduction of the White Paper simply displaced a large number of other proposals into the Council’s already substantial legislative backlog. First of all, the pace at which the Council disposed of the White Paper’s 300 proposals was not exactly furious, as 40% were still not adopted as of mid-1990 (EC 1990: 2). The protracted negotiation over this batch of legislation helps explain why the forward lags rose rather than fell in the years immediately following the SEA. While most of the remaining 300 proposals were eventually adopted at or around the time of the Maastricht Treaty, the passage of the 1992 Programme left a clear institutional wake. Table 4 shows that as the Council was finally coming to grips with the White Paper in 1990–1994, insufficient attention or agenda space was left over to deal with pre-SEA proposals, and the number adopted fell precipitously. Only five have been adopted since 1991, and the remaining 50 appear as pending in Figure 9 (some of these could also be the final remains of the 1992 Programme).²⁵ The enormous backlog of proposals made during the period 1987–1993 which was still lingering as of 1996 further suggests that the White Paper also displaced legislation from the post-SEA period. At the very least half of these ninety proposals could not possibly be associated with the White Paper because only 15% of its 300 items originated in the post-SEA years.

25 Of the nine proposals from 1987 which were still pending as of 1996, 3 were made prior to the SEA, which came into effect on 15 June 1987.

5.6 Mechanical Lourdeur after Maastricht

It is generally believed that debate surrounding the adoption of the Maastricht Treaty, particularly the introduction of the subsidiarity principle and further extension of QMV, ushered in a period of legislative restraint on the part of the Commission and reduced deadlock in the Council. This could improve efficiency and reduce mechanical lourdeur associated with legislative backlog (hypothesis 10). While only two years of data are available, these suggest a somewhat troubling trajectory. Decisionmaking lagtime rose by 8% and legislative backlog remained stable from 1992-1994, despite the fact that the Commission's input of new proposed directives fell by 41%. The main reason for the stubborn backlog is that the Council's post-Maastricht adoption rate plummeted by almost half.

5.7 Interaction Amongst Efficiency Indicators

The interaction amongst efficiency indicators is entirely different from what one might expect. Instead of exerting downward pressure on speed, backlog varied inversely with decisionmaking time - from 1979 onwards speed fell while backlog continued to mount. While there is some indication that the growing backlog did dampen the Commission's enthusiasm for new proposals, as yearly legislative input peaked in 1980 and remained between 40 and 80 proposals ever since, the relationship between these two indicators is clearly not inverse. There appear to be no upper bounds on backlog, nor does backlog cycle in relation to Commission input. This would suggest that the Commission diverts minimal attention to pending proposals and does not avoid "piling on" new proposals as backlog grows.²⁶ Similarly, the steady improvement in decisionmaking speed in the face of growing backlog indicates that pending proposals do not actually consume a significant portion of the Council's agenda time. Rather, the figures are consistent with a different dynamic, whereby less and less time is devoted to pending proposals which at a certain point disappear from the Council's "radar". This would also partly explain the accumulating backlog and the presence of a large number of proposals pending from the pre-SEA period - instead of constituting a mass of difficult cases subject to dramatically prolonged Council negotiations, part of the backlog and at least some of the old proposals might be simply politically dead.

26 This fact probably reflects the incentive structure of the highly fragmented Commission bureaucracy, whereby each individual Directorate General has an interest in generating numerous proposals and maximising its own influence in ongoing intra-Commission "turf" battles (Peters 1994; Majone 1993; Ross 1995; Cram 1994).

6 Regression Analysis

The analysis thus far has been based on descriptive statistics, and reveals the complicated interaction amongst the various measures of EC mechanical decisionmaking efficiency. It also demonstrates the limitations of using simple description and two-dimensional graphs to discern causal relationships between changes in voting rules, legislative volume, backlog, speed and policy area as many of these variables change simultaneously every year. Under such conditions, the only way to test whether institutional reform and the shadow of qualified majority voting has influenced mechanical lourdeur is to control for simultaneous variations through a multiple regression analysis. This section uses regression to explore the determinants of one of the most fundamental aspects of decisionmaking efficiency – Council decisionmaking speed.

The model presented here presumes that the dependent variable, the speed at which any individual proposed Directive will be adopted, depends on five main factors: the number of new Commission proposals made in the same year, the voting procedure under which the proposal falls, the legislative backlog carried over from the previous year, whether the proposal was made after the SEA, and the policy area in which the proposal is made.²⁷ The model also includes a large number of dummy and interactive variables designed to refine the analysis by detecting variation in speed within subsets of the data.

The predicted effects of each independent variable on decisionmaking speed are indicated in Table 6 as positive (+), negative (-) or neutral (0), and closely follow the logic underlying the 11 hypotheses presented earlier: for any given proposal, increases in the total number of Commission proposals made in the same year (PROPOSALS) and the presence of last year's remaining legislative backlog (BACKLOG) should result in longer forward lagtime; lagtime should decrease for proposals subject to qualified majority voting after the SEA (QMVPOSTSEA) when the shadow of voting was extended and the Luxembourg Compromise dissolved, and for policy sectors where after the SEA (SECTORPOSTSEA) new legal bases were introduced (transport, approximation) and, again, where the Luxembourg Compromise was abandoned (agriculture, free movement).

27 The analysis does not differentiate between the effects of the SEA and those of the Maastricht treaty, which further enhanced the scope of QMV. A clearer picture of these effects will only emerge as additional data for proposals made since 1993 becomes available, but as noted above the initial indications are not of improving efficiency.

At the same time, many of the variables would not be expected to influence speed: proposals subject to QMV prior to the SEA (QMV) should move at the same speed as those under unanimity because of the Luxembourg Compromise; proposals made after the SEA but under unanimous voting rules should not experience shorter lagtimes (POSTSEA) unless they are somehow vicariously affected by the penumbra rather than the shadow of the vote; all proposals under QMV should enjoy shorter lagtimes, with no particular expediency from majority voting in individual policy sectors (QMVSECTOR). Similarly, prior to the SEA, during the supposed period of Eurosclerosis, proposals in all policy areas should have proceeded slowly, with no particular delays or expediency in individual sectors (SECTOR). Finally, backlog should exert a general negative effect on speed but should not vary across policy sectors (BACKLOGSECTOR), and the effect should be evident regardless of whether a proposal is subject to QMV or unanimity (QMVBACKLOG), or whether it was made after the SEA (BACKLOGPOSTSEA).

The general form of the estimated equation was as follows:

$$\begin{aligned} \text{Forward lagtime} = & a + b_1\text{PROPOSALS} + b_2\text{QMV} + b_3\text{BACKLOG}_{t-1} + \\ & b_4\text{POSTSEA} + b_5\text{QMV}\cdot\text{BACKLOG}_{t-1} + b_6\text{QMV}\cdot\text{POSTSEA} + \\ & b_7\text{POSTSEA}\cdot\text{BACKLOG}_{t-1} + \sum(b_i\text{SECTOR}_i) + \sum(b_i\text{QMV}\cdot\text{SECTOR}_i) + \sum \\ & (b_i\text{BACKLOG}_{t-1}\cdot\text{SECTOR}_i) + \sum(b_i\text{POSTSEA}\cdot\text{SECTOR}_i) + e \end{aligned}$$

The “a” is the intercept, the “b” coefficients are the parameter estimates, and each of the four policy sectors – approximation, free movement, agriculture, and transport – is denoted by “i” (the fifth sector, “other”, was used as the base category).²⁸ The “e” is the error term.

Table 7 reports the regression results, almost all of which cast doubt upon the prevailing interpretation of where, when, and how the shadow of QMV voting affects EC decisionmaking efficiency.²⁹ Neither the number of Commission proposals made in the same year nor the previous year’s legislative backlog had a sig-

28 The base category encompassed proposals dealing with a wide range of issues, including for example social policy (Article 118A), environmental policy (Article 130S), commercial policy (Article 113), competition (Article 92) and final provisions (Article 235).

29 The statistical results must be treated with caution as a number of variables are affected by multicollinearity. It is likely that solving this problem would increase (and in no way would it decrease) our confidence in the four parameter estimates which are currently shown to be statistically significant. At the same time, however, several variables which appear insignificant here because of large standard errors should not be ruled out as important determinants in Council decisionmaking speed.

nificant effect on the speed at which a proposal made its way through the Council, as both of these coefficients were statistically insignificant. As expected, the effect of backlog did not vary across time or by voting procedure, and was similar in each policy sector with one substantial and surprising exception – in the case of free movement directives, backlog exerted a positive and statistically significant effect on decisionmaking speed.

The most surprising results, which confirm the impression gained from the descriptive statistics, are the magnitude and signs of the coefficients for two main QMV variables: these show that majority voting had an enormously positive effect on speed prior to the SEA, and that this effect remained but was not enhanced by the institutional reforms introduced under the SEA. Both of these findings sharply contradict broad claims that at no point do Council voting rules influence decisionmaking speed (Sloot / Verschuren 1990: 81). Proposals subject to QMV prior to 1987 required on average almost a year less time in Council before their adoption than did proposals of the same period under unanimous voting. Equally important, while all accounts of EC history maintain that the SEA signalled the end of the Luxembourg Compromise – which should be reflected in an even larger positive impact of majority voting for proposals made after 1987 (as the QMV shadow, which was formerly rendered moot by national vetoes, suddenly took effect) – the statistical insignificance of the POSTSEAQMV coefficient reveals that no such increase in decisionmaking speed occurred.

The results also put into perspective the sectoral and temporal variations in speed shown in Table 2. The only area whose speed differed statistically, and dramatically, from the base category was free movement, where proposals took almost four years longer to pass through the Council. By contrast, proposals in transport, approximation, and agriculture all required roughly the same decisionmaking time as those in the base category. The results also suggest that in most cases sectoral variations in speed are not attributable to the shadow of the vote. Although all the QMVSECTOR dummy variables had large negative coefficients, none were statistically significant. Also surprising is that the general relative improvement to speed in the post-SEA period was not particularly apparent in the areas of approximation, free movement or taxation. Quite unexpectedly, for the first two of these areas the coefficients of the POSTSEASECTOR dummy variables were not statistically significant. In taxation, proposals made after the SEA, instead of moving more quickly as expected, actually required two and a half years longer until their adoption than those in the base category. These results reaffirm that the Commission might have been wrong in its view that unanimous voting was the primary structural impediment to speed in the post-SEA era, but correct in its assessment that taxation remained a problem area.

7 Discussion

Four central findings emerge from this study. First, that it is essential to reconsider the impact on policymaking traditionally ascribed to formal and informal institutions, and to the effects of institutional reform. According to traditional wisdom, prior to the SEA the formal institutional rules stipulated widespread majority voting but the informal institutional rules prevailed in terms of the Luxembourg Compromise and unanimous voting. Similarly, the traditional wisdom holds that the SEA changed both the formal and informal institutional rules, resulting in pervasive QMV in practice. The evidence presented here suggests that for mechanical efficiency the formal institution of QMV mattered most prior to the SEA, that the impact of the informal Luxembourg Compromise has been highly exaggerated, and that the 1987 institutional reforms did not yield notable efficiency gains.

While the study found that proposals subject to QMV made their way through the decisionmaking process one-third faster than those subject to unanimous voting, this applied equally to proposals made before and after the SEA. Thus the Luxembourg Compromise so often identified as the source of sluggishness appears not to have retarded the progress of legislation prior to 1987, just as extending the “shadow of the vote” after 1987 appears to have had no appreciable impact on decisionmaking speed. Those like Jacques Delors, who claimed in 1985 that it was “the ball and chain of unanimity that bedevils the whole Community system” (Dinan 1994: 251), would be most surprised to see the limited, even dubious, efficiency gains attributable directly to the shedding of this institutional shackle. If the great triumph of the SEA was the removal of the Luxembourg Compromise, the subsequent positive effects were twice as great for proposals which remained subject to unanimity – in the penumbra rather than the shadow of the vote.³⁰

The second major finding is that the 1970s were mechanically highly efficient rather than being the “dark ages” of the Community or a time of Eurosclerosis as usually portrayed in the literature. Of the 22 years examined here, the period 1974–1978 witnessed by far the most dramatic improvements to speed, while maintaining steady legislative output and no backlog. Eurosclerosis only set in by 1979, perhaps as a result of the “Thatcher effect”, at which point all mechanical indicators indicate growing decisionmaking inefficiency.

30 Again it is necessary to bear in mind that changes in aggregate efficiency, whether improving or declining, do not necessarily indicate anything about the fate of individual pieces of “important” EC legislation.

Third, over the period 1974–1992, apart from 1979–1983, certain indicators of EC decisionmaking efficiency appear to have improved, as decisionmaking speed increased during a time when legislative volume was either stable or rising. But this characterisation of EC institutional performance is heavily qualified, perhaps even refuted, by the fourth finding: that there are important trade-offs amongst the various aspects of efficiency, so that gains in speed were accompanied by a soaring legislative backlog and the continued languishing or abandonment of old proposals blocked in the Council. Only if one excludes the issue of legislative backlog and ignores the content and considerable age of pending legislation does the overall trend in efficiency appear generally positive. As noted earlier, such exclusion is unwarranted: if and when this large backlog is eventually adopted, all of the yearly forward lagtimes since 1974 will rise, so that the current steady downward trend is highly misleading.

These trade-offs place many aspects of EC decisionmaking in a new light – for example, how the Community institutions handled the White Paper. Was the Council able to absorb the 1992 programme without sacrificing efficiency? Not really – there was not the expected simultaneous improvement to speed and volume, and the apparent triumph of marginally faster decisionmaking on a large number of directives must also be heavily qualified, as legislative backlog continued to soar from 1985 onwards.

These findings also raise interesting questions about how EC decisionmaking responds to enlargement of the Community. While theoretically each successive enlargement should increase the number of potential veto players and thus erode efficiency, it appears that in practice enlargement does not exert a consistently negative or predictable effect on efficiency. The case of British accession not eroding efficiency was discussed earlier, and lagtime also fell in the early 1980s after Greek entry, although it did increase as expected in the years 1986–1988 after Spain and Portugal joined the Community. It is still too early to gauge the full effects of the 1993 enlargement, but as mentioned above the initial trends in slower decisionmaking speed and rising backlog are not encouraging.

This paper demonstrates that predominant claims about where, when and how the shadow of qualified majority voting affects mechanical decisionmaking efficiency require fundamental revision. Showing that the Luxembourg Compromise and the post-SEA extension of the shadow of the vote do *not* explain changes in *lourdeur* is by itself an important finding, and a necessary first step towards a deeper understanding of what *does* determine decisionmaking efficiency. While accounting for the unexpectedly significant effects of the penumbra and the fact that the pervasive shadow of majority voting associated with the SEA did not

dramatically improve decisionmaking efficiency for Community directives is well beyond the scope of the present analysis, several hypotheses deserve consideration.

One hypothesis as to why the 1970s appear unexpectedly efficient and the post-SEA period appears less efficient than predicted is that there is an important trade-off between mechanical and substantive *lourdeur* (a possibility also noted by Krislov et al. 1986: 48). The EC's mechanical efficiency improved throughout the mid-1970s, but perhaps the substance of legislation deteriorated. Similarly, while extending the shadow of the vote did not have a dramatic impact on mechanical efficiency after 1987, the demise of the Luxembourg Compromise could have facilitated the passage of EC legislation with more significant content. While it presents enormous methodological problems, the important questions to answer might therefore not be the ones about mechanical efficiency so often stressed in the current literature, but whether or not institutional reform and greater majority voting facilitated adoption of extremely influential pieces of EC legislation, no matter how few their number and how slow their passage. Aggregate mechanical inefficiencies evident in the dearth of EC legislation, its protracted preparation in Commission, and its sluggish passage through the Council might actually be symptoms of a positive trend towards the Community's successful concentration on a core of "important" matters related to political and economic Union.

A second, related hypothesis consistent with the previous comments about institutions is that Council voting since 1987 reflects a new political dynamic based on informal rules, so that consensus politics remains the norm in the Council despite the treaty's legal architecture which stipulates widespread QMV. In other words, the SEA might have substantially broadened the formal institutional shadow of QMV, but in reality EC decisionmaking now depends more on informal political practices and the lingering pressure to reach unanimity. This would account for the steadily growing backlog of proposals on which there is no political consensus, as well as the basically stable forward lagtimes since the passage of the SEA. The consensus politics explanation implies that QMV is not actually being used, not just in the highest profile cases such as EC trade relations with the US (Wallace 1991: 26), but in a broad range of cases.

A third potential explanation for the unusual findings about efficiency before and after the 1987 institutional reforms might be that the SEA shifted some of the most controversial issues related to completing the market under QMV (Article 100A), so that they required longer deliberation, while less controversial matters remained and passed quickly under unanimity. But this reverses the usual logic of institutional design and the predominant understanding of the SEA: whether one attributes the initial impetus for the SEA to international economic trends,

Commission leadership or a convergence of national interests, surely it was the mitigation of controversy and the broad political agreement on a number of key policy objectives which finally facilitated the dissolution of the Luxembourg Compromise and the introduction of more extensive majority voting (Sandholtz / Zysman 1989; Moravcsik 1991; Dehousse / Majone 1994).

A fourth and very different hypothesis is that there is a general willingness in Council to apply QMV but that the EC decisionmaking process has built-in institutional limitations in terms of what it can process.

How might one distinguish amongst these possibilities? For a start, the retention of consensus politics should be reflected in the small number of qualified majority votes actually taken by the Council after 1987.³¹ The only reliable data available covers the period December 1993 through December 1994, and shows that for 22 of the 46 Directives adopted during this time at least one Member State abstained or voted against. It is impossible to say whether this 50% QMV rate applies to the entire post-SEA era, as voting figures found in the secondary literature vary dramatically. According to Ehlermann, Community legislation (including Regulations as well as Directives) was adopted by a majority vote on only 16 occasions from mid-1987 through 1989 (Ehlermann 1990: 1104). Even if every single one of these votes occurred for Directives, which is highly implausible, the rate would still be only 9% (16 out of 170 adoptions during the period), which supports the consensus politics hypothesis. Wessels, by contrast, does not distinguish in his data between majority votes taken on common positions and those on actual legislative adoptions, and reports 201 cases of QMV in this same period, yielding an impossible rate of well over 100% (Wessels 1991: 146). As was the case with assessing overall decisionmaking efficiency since the adoption of the Maastricht Treaty, analysis of the frequency of actual votes in the Council will only be possible as more data becomes available each year.

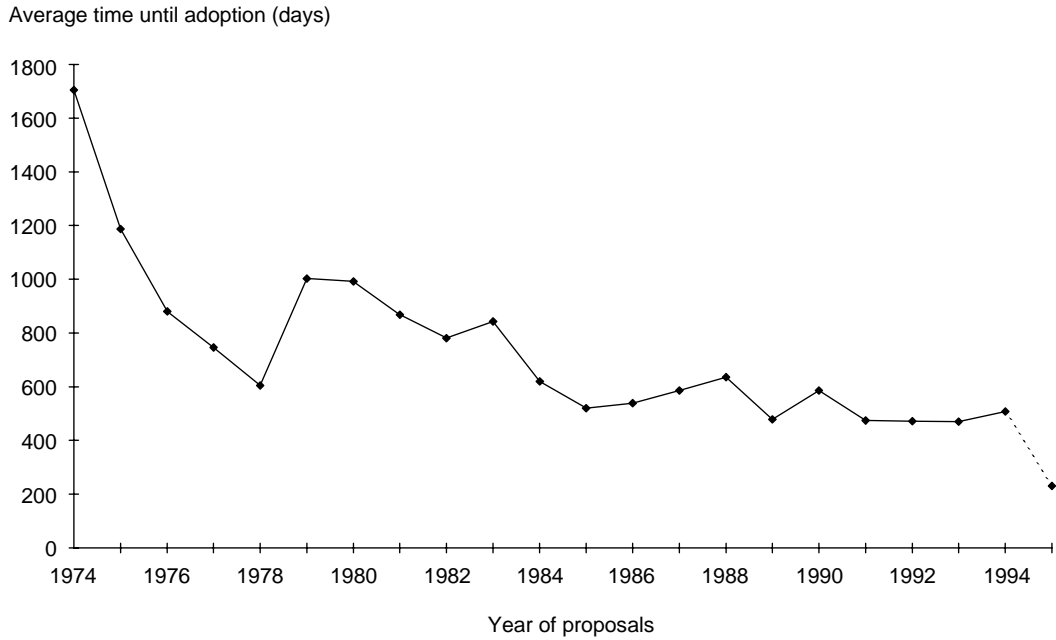
31 One reason why the Council continues to act by unanimity in cases where the treaty allows QMV has to do with the comitology process and the resulting disputes over the Commission's implementation powers (Ehlermann 1990: 1107).

Appendix

Figures

Tables

Figure 1 Average Decisionmaking Speed for Directives



Note: The average forward lagtime of proposals made in 1995 is inevitably underestimated (because most are still pending) and is presented as a dashed line.

Figure 2 Four EC Decisionmaking Speeds 1974–1993

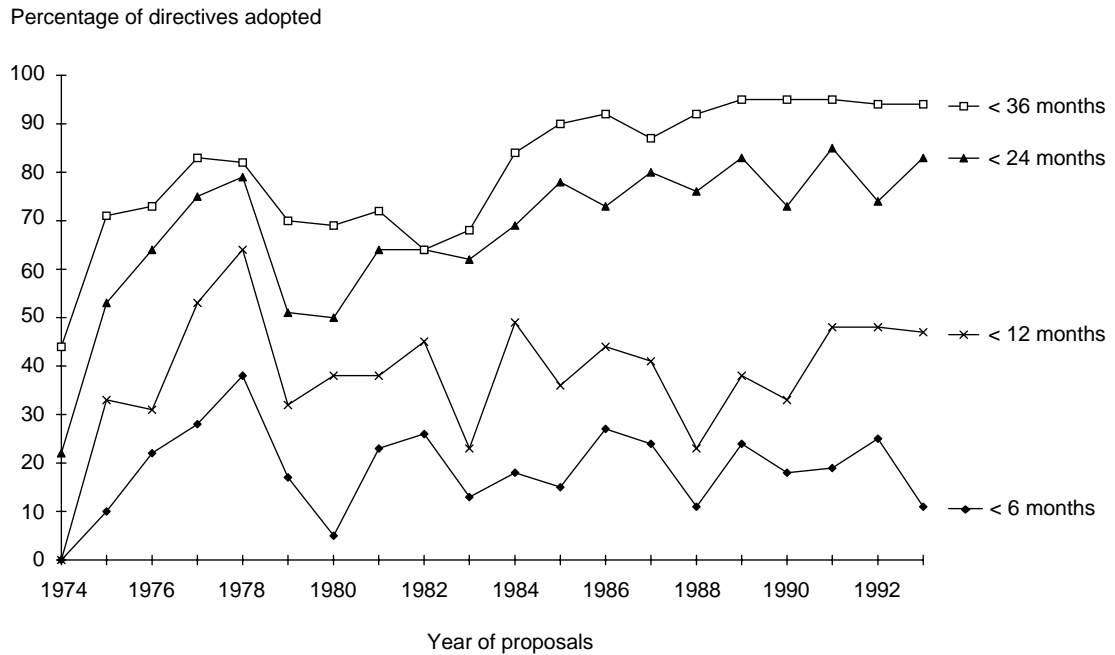


Figure 3 EC Legislative Volume for Directives 1974–1996

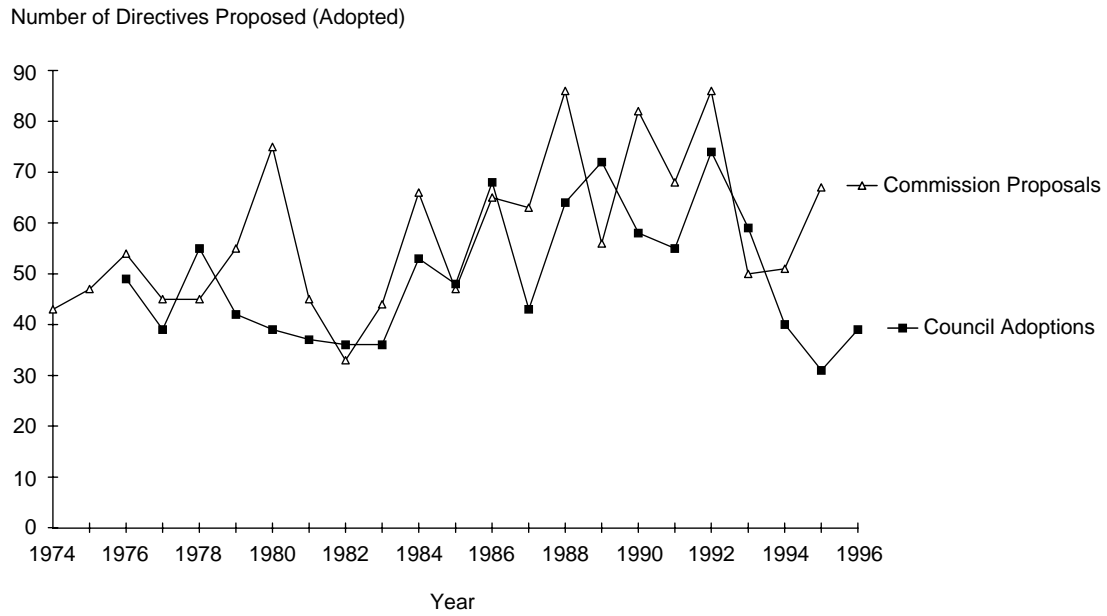
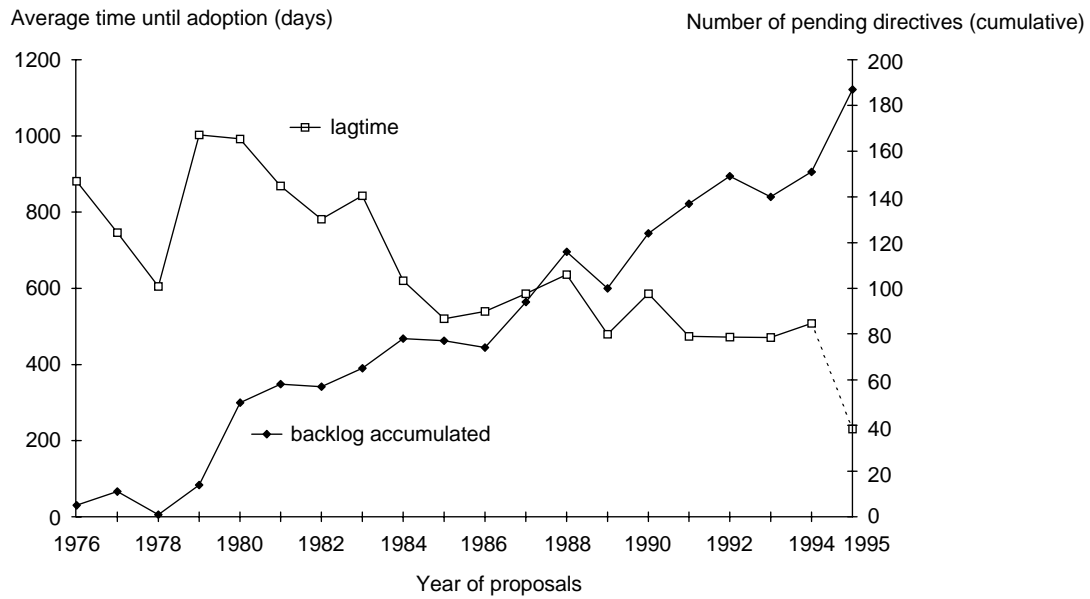


Figure 4 Decisionmaking Speed and Legislative Backlog



Note: The average forward lagtime of proposals made in 1995 is inevitably underestimated (because most are still pending) and is presented as a dashed line.

Figure 5 Decisionmaking Speed by Policy Area

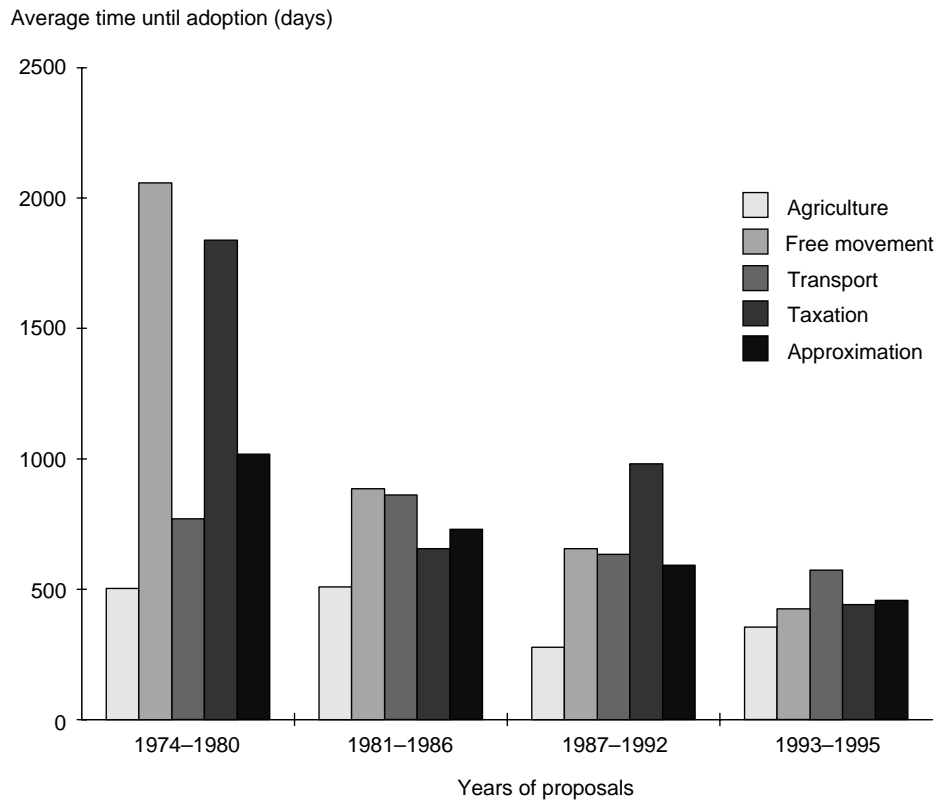


Figure 6 Backward Time Lags

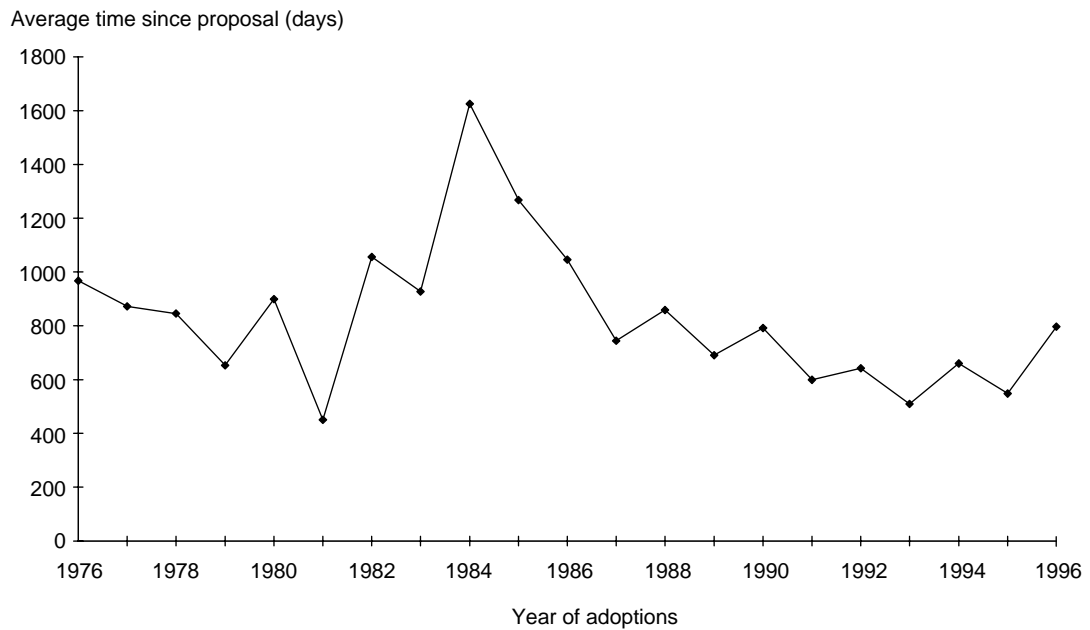
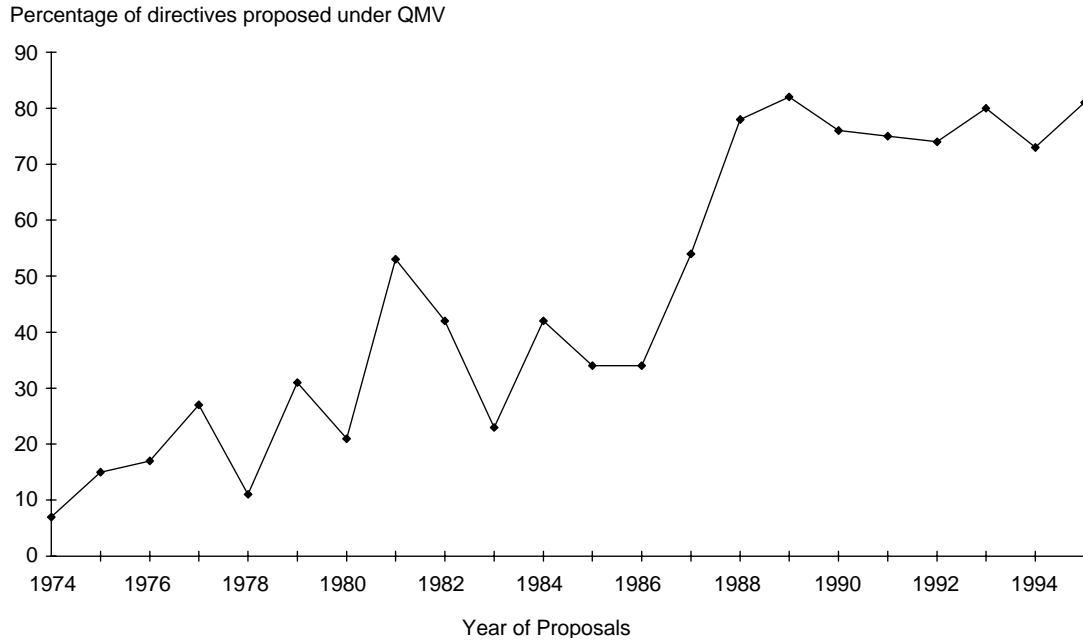
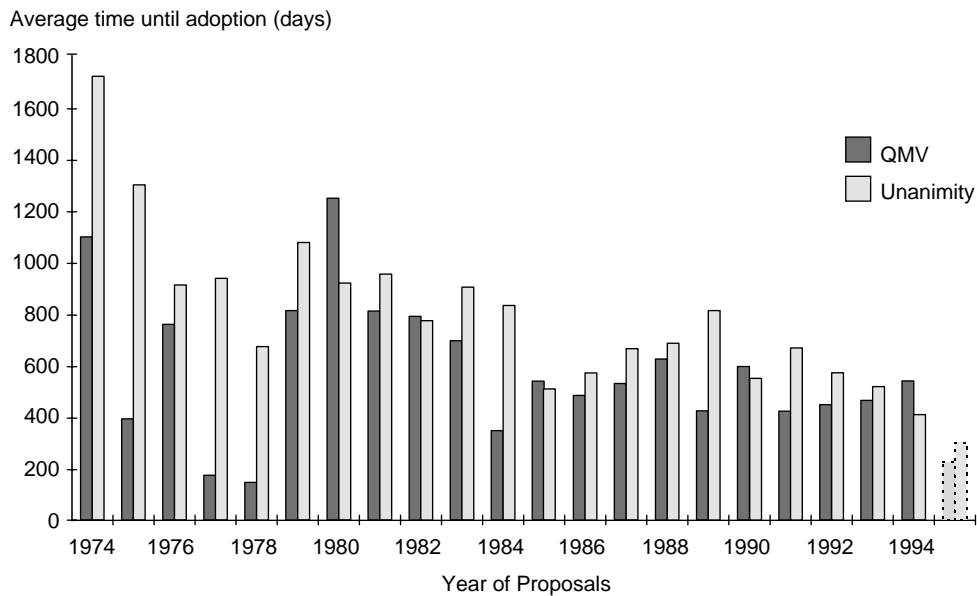


Figure 7 The Growing „Shadow“ of Qualified Majority Voting



Note: In 1979, for example, 30 percent of all directives proposed by the Commission were subject to QMV, the remaining 70 percent were subject to unanimous voting.

Figure 8 Speed of Proposed Directives by Voting Procedure 1974–1995



Note: The average forward lagtimes of proposals made in 1995 are inevitably underestimated (because most are still pending) and are presented as dashed columns.

Figure 9 Distribution of Legislative Backlog as of 31 December 1995

Number of proposals still pending

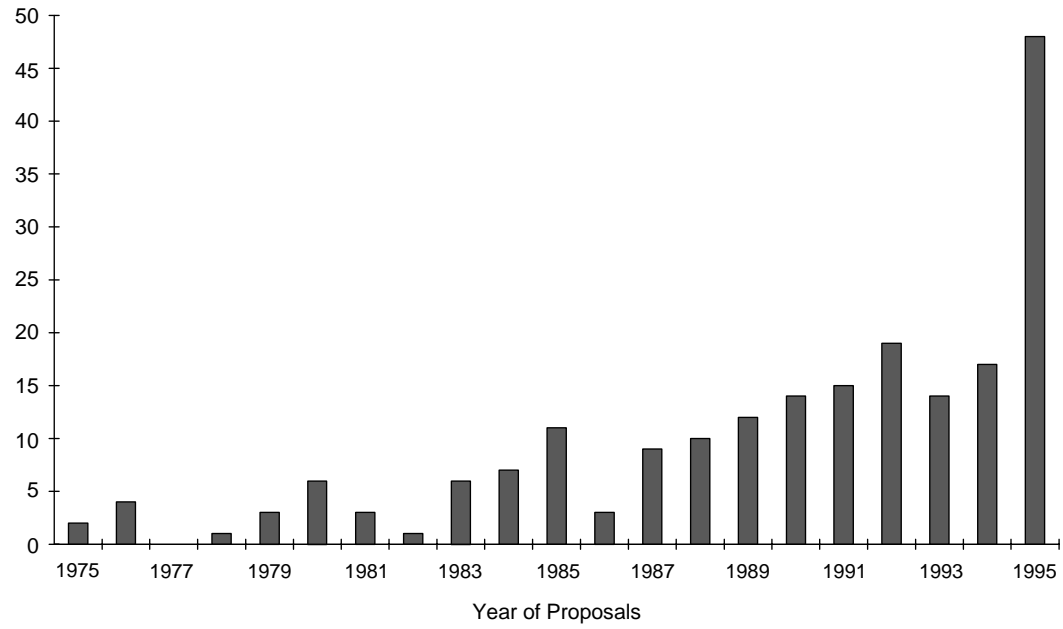


Table 1 Legislative Input, Output, Backlog and Speed for EC Directives 1974–1996

	Commission proposals (input)	Council adoptions (output)	Backlog	Cumulative backlog	Average forward lagtime (days)	Average backward lagtime (days)
1974	43	NA	NA	NA	1704	NA
1975	47	NA	NA	NA	1187	NA
1976	54	49	5	5	881	968
1977	45	39	6	11	746	872
1978	45	55	-10	1	605	846
1979	55	42	13	14	1003	653
1980	75	39	36	50	992	899
1981	45	37	8	58	869	451
1982	33	36	-1	57	781	1056
1983	44	36	8	65	843	927
1984	66	53	13	78	620	1625
1985	47	48	-1	77	520	1267
1986	65	68	-3	74	539	1046
1987	63	43	20	94	586	745
1988	86	64	22	116	636	859
1989	56	72	-16	100	479	691
1990	82	58	24	124	586	792
1991	68	55	13	137	474	599
1992	86	74	12	149	472	642
1993	50	59	-9	140	471	509
1994	51	40	11	151	508	660
1995	67	31	36	187	231	548
1996	NA	39	NA	NA	NA	797

Table 2 Descriptive Statistics for Speed by Time Period, Voting Procedure and Policy Area

Period	Voting Procedure	Policy Area	Average Forward Lag (days)	n
Pre-SEA	QMV		623	169
		Approximation	466	19
		Free movement	1217	26
		Agriculture	506	95
		Taxation	79	1
		Transport	727	11
		Other	511	17
	Unanimity		933	401
		Approximation	886	334
		Free movement	1527	10
		Agriculture	990	8
		Taxation	1444	18
		Transport	949	10
		Other	917	21
	All		841	570
Approximation		864	353	
Free movement		1303	36	
Agriculture		544	103	
Taxation		1372	19	
Transport		833	21	
Other		735	38	
Post-SEA	QMV		499	338
		Approximation	593	147
		Free movement	452	20
		Agriculture	298	80
		Taxation	524	1
		Transport	621	40
		Social Policy	648	21
	Unanimity	Other*	464	50
			661	82
		Approximation	623	19
		Free movement	742	16
		Agriculture	461	2
		Taxation	852	22
		Transport	NA	0
	All	Other	473	23
		531	420	
Approximation		596	166	
Free movement		581	36	
Agriculture		302	82	
Taxation		838	23	
Transport		621	40	
1974–1995	QMV		540	507
		Approximation	579	166
		Free movement	884	46
		Agriculture	411	175
		Taxation	302	2
		Transport	644	51
		Social Policy	648	21
	Unanimity	Other*	476	67
			887	483
		Approximation	872	353
		Free movement	1044	26
		Agriculture	884	10
		Taxation	1118	40
		Transport	949	10
	All	Other	685	44
		709	990	
Approximation		778	519	
Free movement		942	72	
Agriculture		437	185	
Taxation		1079	42	
Transport		694	61	
	Social Policy	648	21	
	Other*	559	111	

Notes: The „n“ column denotes the number of proposals in each category which were eventually adopted, and thus excludes pending legislation.

* Including social policy.

Table 3 Effect of the SEA on the QMV Shadow and on Decisionmaking Speed

	Proportion of proposals under QMV (%)			Change in forward lagtime (%) compared with pre-SEA decisionmaking speed
	Pre-SEA	Post-SEA	Percentage change	
All directives	30	80	50	-37
Approximation	5	89	84	-31
Free Movement	72	56	-16	-55
Agriculture	92	98	6	-44
Taxation	5	4	-1	-39
Transport	52	100	48	-25

Note: All calculations are based on adopted legislation only and exclude proposals pending as of 31 December 1995, which substantially overestimates the positive effects of QMV on decisionmaking speed after the SEA.

Table 4 Adoption of Pre-SEA Proposed Directives

	Directives adopted	Number proposed pre-SEA	% proposed pre-SEA
1987	43	40	93
1988	64	47	73
1989	72	19	26
1990	58	5	9
1991	55	2	4
1992	74	2	3
1993	59	0	0
1994	40	1	3
1995	31	0	0
1996	39	0	0
1987-1996	535	116	21.7

Table 5 Analysis of Pending Legislation

Policy area	Number	Proportion proposed under QMV (%)	Proportion proposed pre-SEA (%)	Proportion proposed under QMV and pre-SEA (%)	Proportion proposed under unanimity and pre-SEA (%)
All proposals	205	54	24	4	20
Agriculture	22	100	9	9	0
Approximation	105	46	30	0	30
Free Movement	20	50	25	5	20
Transport	13	92	39	31	8
Taxation	11	0	18	0	18
Other	34	53	15	6	9

Note: Within each policy area, proportions are based on the number of proposals in the area, not the total number of pending proposals. For example, of the 105 pending proposals in the area of approximation, 46 percent were proposed under QMV and 30 percent originated prior to the SEA.

Table 6 Hypothesised Effects of Independent Variables on Forward Lagtime

Independent variable	Hypothesised effect
PROPOSALS	+
QMV	0
QMV•POSTSEA	-
QMV•BACKLOG	0
QMV•SECTOR	0
BACKLOG	+
BACKLOG•SECTOR	0
BACKLOG•POSTSEA	0
POSTSEA	0/-
SECTOR	0
SECTOR•POSTSEA	-

Note: In each case BACKLOG refers to cumulative backlog lagged by one year.

Table 7 Regression Estimates for Determinants of Decisionmaking Speed

	Coefficient		Signif. T
Primary Variables			
BACKLOG	-3.32	(2.74)	.227
PROPOSALS	.056	(1.66)	.973
QMV	-347.6*	(177.7)	.051
POSTSEA	-127.8	(336)	.704
Sector Dummies			
AGRICULTURE	105.41	(266)	.692
APPROXIMATION	-5.21	(172.2)	.976
FREEMOVEMENT	1332.42****	(282.26)	.000
TAXATION	113.35	(315.24)	.719
TRANSPORT	99.6	(284.7)	.727
Interactive Terms			
POSTSEA•QMV	30.2	(223.9)	.893
QMV•BACKLOG	2.55	(2.29)	.266
POSTSEA•BACKLOG	0.27	(2.09)	.898
QMV•SECTOR			
QMV•AGRICULTURE	-46.95	(248.9)	.850
QMV•APPROXIMATION	-129.98	(166.37)	.435
QMV•FREEMOVEMENT	-162.36	(201.59)	.421
QMV•TAXATION	-64	(476.1)	.893
QMV•TRANSPORT	133.1	(314.6)	.672
BACKLOG•SECTOR			
BACKLOG•AGRICULTURE	-1.83	(3.17)	.564
BACKLOG•APPROXIMATION	-1.12	(2.77)	.687
BACKLOG•FREEMOVEMENT	-11.96***	(3.92)	.002
BACKLOG•TAXATION	-6.52	(4.76)	.171
BACKLOG•TRANSPORT	-0.52	(4.02)	.897
POSTSEA•SECTOR			
POSTSEA•AGRICULTURE	22.12	(288.7)	.939
POSTSEA•FREEMOVEMENT	229.6	(320.25)	.474
POSTSEA•TAXATION	927.9**	(405.9)	.022
POSTSEA•APPROXIMATION	393.9	(262.9)	.134
POSTSEA•TRANSPORT	-1.8	(398)	.996
Constant	953.3****	(196.3)	.000
N	868		
R ²	0.14		
Adjusted R ²	0.11		

Notes: Unstandardised estimates, standard errors are in parentheses. Negative coefficients indicate decreasing forward lagtime (increasing speed). Data includes all directives proposed during 1977–1995 which had been adopted as of 31 December 1996. All BACKLOG variables refer to cumulative backlog lagged by one year. *p < .1, **p < .05, ***p < .01, ****p < .001.

References

- Alt, J. / K. Shepsle (eds.), 1990: *Perspectives on Positive Political Economy*. Cambridge: Cambridge University Press.
- de Bassompierre, G., 1988: *Changing the Guard in Brussels. An Insider's View of the EC Presidency*. New York: Praeger.
- Bradley, K., 1997: The European Parliament and Comitology: On the Road to Nowhere? In: *European Law Review* 3(3), 230–254.
- Cram, L., 1994: The European Commission as a Multi-Organization: Social Policy and IT Policy in the EU. In: *Journal of European Public Policy* 1(2), 195–217.
- Dehousse, R., 1988: Completing the Internal Market: Institutional Constraints and Challenges. In: Roland Bieber et al. (eds.), 1992: *One European Market?* Baden-Baden: Nomos.
- Dehousse, R., 1989: 1992 and Beyond: The Institutional Dimension of the Internal Market Programme. In: *Legal Issues of European Integration* 1, 109–136.
- Dehousse, R. / G. Majone, 1994: The Institutional Dynamics of European Integration. In: S. Martin (ed.), *The Construction of Europe: Essays in Honour of Emile Noël*. Dordrecht: Kluwer Academic Publishers.
- Dinan, D., 1994: *Ever Closer Union?* Boulder: Lynne Rienner.
- Duchêne, F., 1994: *Jean Monnet. The First Statesman of Interdependence*. New York: Norton.
- EC (European Communities), 1979: Report on European Institutions, presented by the Committee of Three to the European Council. Brussels: Council of the European Communities.
- EC, 1985a: Completing the Internal Market: White Paper from the Commission to the European Council. Commission of the European Communities, COM(85)310, 14 June.
- EC, 1985b: Technical Harmonisation and Standards: A New Approach. Communication from the Commission to the Council and to the European Parliament, COM(85)19, 31 January.
- EC, 1985c: Annex I to the Council Resolution of 7 May 1985, Official Journal of the European Communities 136 / 2.
- EC, 1990: Fifth Report of the Commission to the Council and the European Parliament concerning the Implementation of the White Paper on the Completion of the Internal Market. Commission of the European Communities, COM(90)90, 28 March.
- Ehlermann, C., 1990: The '1992 Project': Stages, Structures, Results and Prospects. In: *Michigan Journal of International Law* 11, 1097–1118.
- Golub, J., 1997: The Path to EU Environmental Policy: Domestic Politics, Supranational Institutions, Global Competition. Paper presented at the Fifth Biennial International Conference of the European Community Studies Association, May 29 – June 1, 1997, Seattle, Washington.
- Golub, J., 1998: *Hard Bargains: Britain, the Environment and European Integration*. London: Pinter, forthcoming.

- Hartley, T., 1994: *The Foundations of European Community Law*. Oxford: Oxford University Press.
- Judge, D. D. Earnshaw / C. Ngiare, 1994: Ripples or Waves: The European Parliament in the European Community Policy Process. In: *Journal of European Public Policy* 1(1), 27-52.
- Keohane, R. / S. Hoffmann, 1991: Institutional Change in Europe in the 1980s. In: R. Keohane / S. Hoffmann (eds.), *The New European Community. Decisionmaking and Institutional Change*. Boulder, CO: Westview.
- Kirchner, E., 1992: *Decisionmaking in the European Community. The Council Presidency and European Integration*. Manchester: Manchester University Press.
- König, T. / H. Schulz, 1996: The Efficiency of Legislative Decision Making in the European Union. Paper presented at the Fifth Biennial International Conference of the European Community Studies Association, May 29 - June 1, 1997, Seattle, Washington.
- Krislov, S. / C. Ehlermann / J. Weiler, 1986: The Political Organs and the Decisionmaking Process in the United States and the European Community. In: M. Cappelletti et al. (eds.), *Integration Through Law*. Volume 1, Book 2: *Methods, Tools and Institutions*. Berlin: de Gruyter.
- Lauwaars, R., 1988: The 'Model Directive' on Technical Harmonisation. In: R. Bieber et al. (eds.), 1992: *One European Market?* Baden-Baden: Nomos.
- Ludlow, P., 1991: The European Commission. In: R. Keohane / S. Hoffmann (eds.), *The New European Community. Decisionmaking and Institutional Change*. Boulder, CO: Westview.
- Majone, G., 1993: *Deregulation or Re-regulation? Policymaking in the European Community. Since the Single Act*. EUI Working Paper SPS No. 93 / 2. Florence: European University Institute.
- Milward, A. et al., 1993: *The Frontier of National Sovereignty. History and Theory 1945-1992*. London: Routledge.
- Moravcsik, A., 1991: Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community. In: *International Organization* 45, 19-56.
- Moser, P., 1994: The European Parliament as a Conditional Agenda Setter: What Are the Conditions? A Critique of Tsebelis. In: *American Political Science Review* 90(4), 834-838.
- Nugent, N., 1989: *The Government and Politics of the European Community*. Basingstoke: Macmillan.
- Pelkmans, J., 1988: A Grand Design by the Piece? An Appraisal of the Internal Market Strategy. In: R. Bieber et al. (eds.), 1992: *One European Market?* Baden-Baden: Nomos.
- Peters, G., 1991: Bureaucratic Politics and the Institutions of the European Community. In: A. Sbragia (ed.), *Europolitics. Institutions and Policymaking in the 'New' European Community*. Washington, DC: Brookings.
- Peters, G., 1994: Agenda-setting in the European Community. In: *Journal of European Public Policy* 1(1), 9-26.
- Pinder, J., 1986: European Community and Nation-State: A Case for a Neo-federalism? In: *International Affairs* 62, 41-54.

- Pollack, M., 1997: Delegation, Agency and Agenda Setting in the European Community. In: *International Organisation* 51, 99–134.
- Ross, G., 1995: *Jacques Delors and European Integration*. Cambridge: Polity Press.
- Sandholtz, W. / J. Zysman, 1989: Recasting the European Bargain. In: *World Politics* 42, 95–128.
- Sbragia, A., 1993: Asymmetrical Integration in the European Community. The Single European Act and Institutional Development. In: D. Smith / J. Ray (eds.), *The 1992 Project and the Future of Integration in Europe*. Armonk, NY: M.E. Sharpe.
- Scharpf, F., 1997: *Games Real Actors Play: Actor-Centered Institutionalism in Policy Research*. Boulder, CO: Westview Press.
- Slater, M., 1982: Political Elites, Popular Indifference and Community Building. In: *Journal of Common Market Studies* 21, 69–93.
- Sloot, T. / P. Verschuren, 1990: Decision-making Speed in the European Community. In: *Journal of Common Market Studies* 29, 75–85.
- Taylor, P., 1983: *The Limits of European Integration*. London: Croom Helm.
- Tsebelis, G., 1994: The Power of the European Parliament as a Conditional Agenda Setter. In: *American Political Science Review* 88, 128–142.
- Van den Bos, J., 1994: The European Community, Decision Making, and Integration. In: B. Bueno de Mesquita / F. Stokman (eds.), *European Community Decisionmaking. Models, Applications and Comparisons*. New Haven: Yale University Press.
- Wallace, H., 1983: Distributional Politics: Dividing up the Community Cake. In: H. Wallace et al. (eds.), *Policy Making in the European Community*. Chichester: John Wiley and Sons.
- Wallace, H., 1991: After the SEA. In: L. Hurwitz / C. Lequesne (eds.), *The State of the European Community: Policies, Institutions, and Debates in the Transition Years*. Boulder, CO: Lynne Rienner.
- Wallace, W., 1983: Political Cooperation: Integration Through Intergovernmentalism. In: H. Wallace et al. (eds.), *Policy Making in the European Community*. Chichester: John Wiley and Sons.
- Wallace, H. / W. Wallace (eds.), 1997: *Policymaking in the European Union*. Oxford: Oxford University Press.
- Webb, C., 1983: Theoretical Perspectives and Problems. In: H. Wallace et al. (eds.), *Policymaking in the European Community*. Chichester: John Wiley and Sons.
- Wessels, W., 1991: The EC Council: The Community's Decisionmaking Center. In: R. Keohane / S. Hoffmann (eds.), *The New European Community. Decisionmaking and Institutional Change*. Boulder: Westview Press.
- Whynes, D., 1993: After 1992: The Political Economy of the Single European Act. In: N. Healey (ed.), *The Economics of the New Europe*. London: Routledge.