

## Member States and Communication within the EU Council Working Group

**Abstract:** EU Council working groups still represent a topic that is neglected in the EU research. If they are analysed, the effect of socialization is particularly tested while rationally motivated factors such as Left-Right position, GAL/TAN placement or approach towards the EU are left aside. This article analyses how EU Council working groups contribute to the Member states' oral communication at the working group level. Based on a dataset gathered by non-participatory observation of interventions, the analysis suggests that none of the rationally constructed variables play a significant role in shaping EU Member states oral communication. The article thus confirms the effect of socialization on the communication as well as the influence of structural factors such as Member states' power and the character of the document under discussion.

**Keywords:** EU Council, Working Group, EU Member States, Communication, Cooperation

### **INTRODUCTION**

The Council of the EU is one of the most important EU institutions, particularly for EU Member States. It serves as an arena where they can express and defend their interests. Member States do so particularly through bargaining and negotiations. Communication is an important factor enabling this most important function of the Council.

The process of articulating interests starts in the Council working groups. In addition to being the lowest level of the Council hierarchy, they are also its least known and least studied element. This is especially true of the bargaining and negotiation processes within the groups, as well as communication used there. Up to date research targets primarily tasks exercised by working groups in the Council's decision making process (Olsen 2011; Häge 2007a, 2007b, 2008, 2013, 2016). However, not that much has been so far revealed when it comes to the internal praxis of the Council's working

groups or the factors which shape it. With the exception of the Kaniok (2016) article analysing the general communication patterns within the working groups, there is no study that deals with this phenomenon. Surprisingly, almost no interest has been so far paid to the Member States in this regard. This is striking as they are the most prominent actor in the Council activities. Moreover, working groups offer Member States the initial opportunity to express their demands and national interests.

The goal of this study is to extend our knowledge about the working groups by analysing Member states' oral interventions expressed during meetings of the working groups acting mainly in the area of the internal market. Based upon data collected during non-participatory observations of more than 20 meetings, the paper uncovers how Member States communicate when intervening in the working groups and how they contribute to the general atmosphere within them. More specifically, it focuses on how Member State governments' positions on the Left-Right scale, their position on GAL/TAN and their approach towards European integration contribute to the cooperation in the working groups. Hence, it tests a rationalist assumption claiming that life in the working groups reflects and follows domestic political preferences.

The main findings of the analysis are as follows: rationally constructed factors which should reflect the political interests of national governments do not appear to work as influential variables at the Council working group level. Neither distance from the political centre, nor GAL/TAN position nor general approach towards European integration seem to influence the form of Member states' communication at the working group level. On the contrary, the analysis confirmed the impact of the socialization process that occurs within the working groups, as Brussels based representatives tend to be significantly more cooperative than their capital based fellows. Additionally, structural factors such as a Member state's power or the character of the document discussed play an important role. The article thus suggests that domestic politicization of EU affairs does not necessarily shape the actual behaviour of Member states in the EU Council.

The article is organized as follows: the first section introduces the role of working groups in the Council's decision-making system. It also provides an overview of the existing research on this issue. The next section presents the theoretical framework and hypotheses. The third part describes the data used, and informs how the data was gathered. It also explains how these data was analysed. After that

the paper proceeds to the analysis. The last part of the article places its findings in the context of existing knowledge and outlines direction for possible further research.

## **WORKING GROUPS: WHY POLITICS MATTERS THERE?**

What is the role of working groups within the Council and why may political aspects matter here? Working groups construct the most basic component of the Council's work. Various authors provide different estimates of their numbers – usually, there are between 170 – 200 working groups<sup>1</sup>. In a nutshell, key purpose of a working group may be described as that of a body which allows the negotiation and the deliberation of Member States' positions. That does not mean that Member States acting there alone. Important tasks are expected from the Presidency, as well as from the Commission, and from the Council Secretariat. Legislative work consists of the deliberating proposals for the EU legislature whereas the main focus of non-legislative activities is to draft first versions of Council conclusions. That means, each working group is supposed to prepare a particular file for the Council decision. Therefore the working group should formulate a consensus on the text which will allow its approval at the COREPER level and after that its formal adoption by the ministers.

From a theoretical point of view, Council working groups are understood from two broad angles. The rationalist one recognizes them as only formally important serving as nothing more than a channels through which national interests are articulated. Member states' participants in working groups have to follow guidelines in form of national instructions. These are based upon preferences formulated within their domestic political systems. Such preferences mirror the interests of various actors - be them economic, social or political ones - from particular member state and the result of bargaining that may need to occur at this level in order to formulate a coherent national stance to be put forward in EU

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<sup>1</sup> The Council Secretariat regularly publishes a list of working groups. The last such overview from February 2016, mentions 121 'preparatory bodies' altogether, 100 chaired by the Presidency and 21 chaired by an elected or an appointed chairman (Council Secretariat 2016).

arena negotiations (Beyers and Diericks 1998; Moravcsik 1998). From the neo-institutionalist perspective, working groups represent more active and independent players. They are perceived as arenas within which interests are bargained for and where the very rules regulating such negotiations are defined. From the neo-institutionalist point of view, the members of working groups go beyond the task of purely negotiating among pre-defined interests. Instead they contribute to reshaping European public issues, the rules and norms that construct negotiation and frequently the very identities and loyalties of those being involved (Lewis 1998; Lewis 2005; Aus 2008, Trondal 2007).

Regarding the influence of the working groups, there is no agreement in existing work. Common wisdom suggests that working groups are accountable for the majority of Council results (van Schendelen 1996; Hayes-Renshaw and Wallace 1997). However, such conclusions have been rested either on mere guessing or on estimates coming from insiders. More rigorous research corrects such figures. Häge (2008, 2007b) revealed that working groups were in charge for less than 40 per cent of Council decisions, Olsen (2011: 159) claims that an even smaller share of decisions, only 33 per cent, are resolved by working groups as majority of files raise controversies among Member states or have financial impact. Most recently, Howard Grøn and Houlberg Salomonsen (2015) suggest that division between non-political working groups and political ministerial level is a questionable one as different participants than ministers often participate in the ministerial meetings.

A similar conflict between “common wisdom” and more rigorous research applies to the role of political factors for the working groups. Working groups were long perceived as an arena which focused on the technical aspects of legislation while leaving the political issues for bodies such as COREPER (Westlake 1999). Foilleux et al (2005) challenged this approach, however, arguing there is no clear distinction between “political” and “technical” issues. The principal finding of their study is that working groups do not operate solely at a ‘technical level’. Instead, they are vital arenas through which the ambiguous nature of politics in the European Union heavily influences the negotiating processes and legislative outcomes.

The most important tools for working groups’ activities are negotiations and bargaining. Here, both formal and informal communication among participants creates the necessary conditions which enable the working groups to operate smoothly. Pioneering articles by Beyers and Diericks (1997, 1998)

found that discretion matters in communication between national delegates (Beyers and Dierickx 1997) and that informal communication is excessive in working groups occupied by Brussels-based attendants. Notably, this communication is led by non-state players as for example Commission representatives. The more influential actors were revealed to be those coming from large member states, and communication patterns following a North-South division (Beyers and Dierickx 1998). The presence of this conflict dimension was later confirmed by Naurin (2007). Kaniok's (2016) analysis revealed that working groups tend to be more competitive than consensus-oriented when it comes to the internal communication. He also argues that participants there differ significantly in their behaviour. Quite surprisingly, Member states are the most cooperative, followed by the European Commission, while the Presidency focuses on promoting its own interests. Additionally, actor affiliation does not play a role in communication, as Brussels-based delegates do not tend to adopt a more cooperative stance than do delegates from the capitals. Naurin (2010) discovered that there are prevailing patterns of discussion within working groups. He suggests that explanations are given more often because of actor's aim to persuade other participants than to clarify one's position in order to promote a compromise in working groups.

Even that there some differences, the strongest conclusion from existing research says that socialization takes place in lower levels of the Council (particularly at the COREPER level) and participants act in a way which is far from being motivated only by their self-interests. Therefore, to exaggerate a little bit, there is a cooperative spirit within the rooms and friendly atmosphere among the delegates.

The socialization argument is quite often tested (see Egeberg 1999; Beyers, 2005, Lewis 1998, 2003, 2005, Juncos, Pomorska 2006, 2011), however, little is known about the rationally motivated factors which may shape communication in the working groups. The Left-Right position of particular government, its placement on the GAL/TAN scale (reflecting its position on democratic freedoms and rights), and a government's approach towards European integration are among the most prominent of these factors. For the former, European integration has been traditionally seen as a project of the political centre (Aspinwall 2002, Taggart 1998). As Marks and Hooghe (2006) argue, the European Union has been created by mainstream parties – Christian democrats, liberals, social democrats and

conservatives – which have dominated national as well as European political institutions. At the same time, many non-centrist parties attack European integration as an extension of their domestic opposition. When it comes to the latter, Euroscepticism – or a party’s more general underlying approach towards European integration – represents a phenomenon becoming increasingly important since 90s when the process of politicization of the European integration has rapidly been speeded up. As result of the persistent multiple crises which the EU has been facing since approximately 2008, both Member states party systems as well as the salience of Euroscepticism have become increasingly important factors influencing the day-to-day decision making process in the EU.

## **THEORY AND HYPOTHESES**

This study contributes to the research on the internal processes with the working groups, more specifically to the nature of their internal communication. What is here understood as internal communication? This paper operationalized it as set of oral formal expressions presented during meetings by those who attend them – and those who are authorised to speak there - otherwise called interventions. Interventions, g, represent the most straightforward route by which a working group’s actor can influence its business. In intervening, Member States are theoretically restricted by the Council's Rules of Procedure. It encourages the Member States to intervene only if they are proposing a modification to the issue under discussion (Council Decision 2009/937/EU, annex 5). In reality, however, interventions do not often follow this rule. Participants can speak about whatever they wish expressing for example support for another actor’s position or requiring further clarification of a point. Interventions are not the only way by which a particular issue can be communicated or shaped. Actors may also send written comments. They may also negotiate bilaterally or multilaterally in a completely informal format. A classic case of this kind of negotiation is a ‘like-minded group’ or networks of countries sharing similar interests or goals (Elgström 2000: 465, Elgström 2017). Such forms of communication are however disregarded from this research as they can be hardly reached.

Rationally motivated components which can shape the content of interventions are tested through three subsequent hypotheses. The basic logic departs from the assumption that pro-European actors

will emphasize cooperative communication and that representatives whose governments are critical or sceptical towards the EU will communicate non-cooperatively.

*H<sub>1</sub>: The farther a Member State's government is from the political centre, the less its delegates in the working groups contribute to cooperative communication within the working groups.*

The problem of political party attitudes toward the process of European integration has attracted growing attention by party scholars over the past decade. Some of the most significant attempts to understand how European integration works for party systems come from heterogeneous literature claiming that conflict over the EU is shaped by economic dimension. In particular, a large number of contributions share the point of view that left/right ideology influences party preferences on European integration (Ray, 1999; Tsebelis and Garrett, 2000; Gabel and Hix, 2004; Hooghe *et al*, 2004; Marks and Steenbergen, 2004; Hix *et al*, 2007). This approach builds upon the widespread argument that European integration produces neither a new cleavage, nor new normative orientations in conflict with other long-established ones; instead, it is largely subsumed by historically rooted ideologies. Furthermore, attitudes toward the EU evolve with these ideologies; thus Europe can be interpreted by the same party in different ways at different times due to ideological change. In the end, the traditional socio-economic dimension of conflict is regarded as an important (though not the only) explanation of party attitudes toward the EU.

*H<sub>2</sub>: The farther a Member State's government is from the cultural/non-economic centre, the less its delegates in the working groups contribute to cooperative communication within the working groups.*

The economic dimension and party position on it is not the only explanation of what a political party can think about the EU. As Marks *et al* (2006) claim, a second, noneconomic or cultural, new-politics dimension has gained strength since the 1970s in Western Europe (Flanagan, 1987; Flanagan and Lee, 2003; Franklin, 1992; Inglehart, 1977; Kitschelt, 1988). This dimension summarizes several noneconomic issues as ecological, lifestyle, and communal, and is correspondingly more diverse than the Left/Right dimension. In some countries, it is oriented around environmental protection and

sustainable growth; in others, it captures conflict surrounding traditional values rooted in a secular-religious divide; and in yet others, it is pitched around immigration and defence of the national community. Marks et al (2006) describe the poles of this dimension with composite terms: green/alternative/libertarian (GAL) and traditionalism/authority/nationalism (TAN). They have also found that hard GAL and hard TAN positions usually lead to opposition towards European integration.

*H<sub>3</sub>: The more Eurosceptic a Member State's government is, the less its delegates in the working groups contribute to the cooperative communication within the working groups.*

When moving from mainstream to radical parties, the pattern seems to change as attitudes appear to converge. The extreme left and extreme right often share a tendency to lean toward Eurosceptical attitudes. This phenomenon has driven authors such as Szczerbiak and Taggart (2003) to argue that a party's distance from the centre of the political spectrum determines its attitudes toward the EU. In their view, wholly Eurosceptical parties are confined to the periphery of the political spectrum, while parties located near the centre are, to different degrees, pro-European. The two authors argue that signs of Euroscepticism from mainstream parties only come from factional conflicts and do not involve the party as a whole, while Euroscepticism from radical parties is a party-centric attitude (Taggart, 1998; Taggart and Szczerbiak 2004, Szczerbiak and Taggart 2008). Other empirical studies (Hooghe et al, 2002; Sitter and Batory, 2008) confirm the same view. Sitter (2001, 2002) contends that the most Eurosceptic parties are indeed those that are permanently excluded from the government arena and, apart from a few exceptions, parties on the flanks of the party system in the EU member states tend to be excluded.

## **DATA, VARIABLES AND METHOD**



When it comes to the dependent variable, Kaniok's (2016) binary dependent variable '*Communication*' was analysed<sup>2</sup>. This variable is a result of non-participatory observation of more than 20 meetings of several Council working groups dealing particularly with Single Market agendas. During these meetings, Kaniok captured the content of interventions expressed by the various actors (for details see Kaniok 2016) and created two groups based on whether there was support for another's action or not. Hence, Value 1 ('Cooperative') combines interventions expressing support for another actor – either being the alone content of intervention or being accompanied by the speaker's own position or by a procedural comment. Value 0 ('Uncooperative'), on the contrary, includes interventions delivering a speaker's own position, either as the only content of the intervention or in hand with procedural issue mentioned.

The logic behind the dependent variable ('Communication') and its two values is based upon practitioners'<sup>3</sup> experience and the Council's internal norms. According to reports by practitioners, both what is said during the meetings as well as how it is said are highly important. Dissent with, for example, modifications proposed by the Presidency may be expressed in various ways. For example, requests which are set in the context of other actors' opinions are perceived as more acceptable and more constructive than the mere expression of the speaker's position. Whilst the former suggests that such interventions are based upon a development within the group – and send clear message of respect towards the other actors – the later way leave these aspects aside. Even the Council's official norms promote certain values such as consensus, efficiency, or cooperation among Member States<sup>4</sup>.

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<sup>2</sup> Dataset was kindly provided by Kaniok.

<sup>3</sup> Interview with attaché 9. 10. 2013, Interview with attaché 17. 10. 2013, Interview with attaché 18. 10. 2013, Interview with attaché 23. 10. 2013.

<sup>4</sup> For example, the Council's Rules of Procedure considers a full round table as proscribed in principle and encourages delegations to express their demands collectively. This concerns particularly like-minded delegations which should hold consultations prior the meetings and then present their common positions. The Council's Rules of Procedure also expect that concrete proposals for amendments should be sent in written form. See, in particular, Annex V of Council Rules of Procedure

Therefore, these different styles considerably influence both the overall atmosphere of the meeting and the perception of the speaker.

When it comes to the independent variables, they were computed on the basis of the Chapel Hill Survey and its longitude dataset. The Chapel Hill Survey measures party positions towards various aspects of European integration and it contains party positions on general political issues. Hence, on the basis of such data, it is possible to compute values for Member states' governments using following formula:

$$\text{'MS government'} = ((\text{CES variable}_{\text{party1}} * \text{seatsnumber}_{\text{party1}}) + (\text{CES variable}_{\text{party2}} * \text{seatsnumber}_{\text{party2}}) + (\text{CES variable}_{\text{partyn}} * \text{seatsnumber}_{\text{partyn}})) / \text{MS governmentnumber}$$

The *CES variable* denotes a particular CES variable and its value for a particular party, *seatsnumber* represents the number of seats held by the party in government and the *MS governmentnumber* refers to the total number of seats in Member state government for which the value is computed.

Governmental position from the political centre was calculated as its distance of LRGEN variable's value 5 signalling that such party belongs to the political centre. Negative values were transformed into positive ones, as distance from the centre should have the same impact both in the case of Left wing and Right wing cabinets. When it comes to the GALTAN variable, a similar method of recalculation was chosen, in this case keeping the difference between negative and positive results. This reflects – as Hooghe and Marks (2006) argue – a different approach of GAL and TAN parties towards European integration. 'Position towards European integration' was measured by using the variable EU\_POSITION. It contains 7 values, where value 1 indicates strong opposition towards the EU and value 7 strong support for the EU.

The analysis controls for various factors. First, the level of individual socialization of participants make a difference in their behaviour (Fouilleux et al. 2007). Delegates working at national Permanent Representations usually share a sense of dual responsibility – both to their Member states as well to

the Brussels. This is important as Brussels-based diplomats tend to follow different pattern in behaviour than their capital based counterparts. In a nutshell, the former emphasize a more cooperative style in negotiating than the latter. Therefore, records of participants available at every meeting were used to construct a variable '*Representative*'. This allows to distinguish whether a Member State was represented only by a national expert coming in from the capital, or by a Brussels-based attaché, or, or a combination of the two.

Second, collective socialization considers time as an aspect which enables various actors to accept internal rules and norms and follow them. One could thus expect that the longer a collective actor takes part in working groups, the more it follows shared norms of consensus and cooperation which exist there. The transfer of this collective socialization factor to individual delegates is ensured by training of officials within Member states. Thus, variable '*Length of EU membership*' is expressed as the number of years a particular Member state has been a member of the European Union.

Third, salience influences actors' behaviour within the Council and their eagerness to compromise on a particular proposal. Selck (2003) suggests that there are signs that EU institutions involved in legislative work use their procedural powers more vigorously when dealing with important issues. For example, politically salient issues are more likely to be decided already during the first reading stage (Rasmussen 2007). Whether a decision is made at the ministerial or the administrative level in the Council also relies upon on the perceived salience of a document (Häge 2007). Schneider et al. (2010: 92) claim that greater importance leads to a greater willingness to make concessions to reach a consensus. Thus one may expect that cooperation – also in terms of communication - in the working groups will be higher when dealing with legislative files than when preparing non-legislative documents. Hence, meeting agendas accessible on the Council website prior to the meeting were used to construct the variable '*Item*', which divides the agenda between non-legislative and legislative issues.

Fourth, the language used can also impact the degree of cooperation. English can be regarded as the modern lingua franca in the Council. Egeberg et al. (2003: 27-30) and van Els (2005) claim that a considerable majority of both formal negotiations and informal communications among participants is carried out using English. Also, in formal negotiations diplomats seldom speak either French or

German which are – apart of English - considered as another two EU working languages. If they do not use their mother tongue, they are using English. As Egeberg et al. found (2003: 28), in the late 90s, 90 per cent of non-native English speakers representing their countries in the Council were able to communicate to some extent in English, and more than 80 per cent spoke English well or very well. Therefore, using English can be perceived as an aspect which supports cooperative communication in the working groups, because it saves time and provides a substantial majority of delegates with equal conditions in the negotiation process. Therefore, the variable *'Language used'* catches the language used during the meetings. The values recorded here are English and other languages.

Last but not least, the size of the actor matters in terms of control. Ownership of more resources can influence the willingness of such states to cooperate or act independently (Naurin 2015). *'Size of the Member State'* was calculated as their voting power expressed in terms of per cent share of their votes in the total amount of votes available in the Council. The variable *'QMV share'* hence reflects the relative power of each Member State.

## **ANALYSIS**

Overall number of interventions that was gathered during the reached 5,021 (purely procedural ones included). However, only 2,179 of them were expressed by Member States, as reported in Table 1.

Table 1 here

Figure 1 reports the distribution of interventions across Member states. Purely procedural interventions are excluded from the sample. That means that 2,049 interventions expressed by Member states bear either a cooperative or uncooperative message. Figure 1 reports three different values – the total number of interventions, the number of cooperative interventions and the number of uncooperative interventions.

Figure 1 here

Figure 1 sends a couple of interesting messages. First, the size of the Member states seems to matter quite a lot when it comes to oral activity in the working groups. All large countries – in terms of their voting power or population share – can be found among the most active speakers. The only exception is Poland, which is placed in the middle of the peloton. The second attribute which seems to encourage or discourage representatives of the Member states to speak is tradition of EU membership, or, to be more accurate, their “western” character. CEE countries and countries which do not belong to the traditional “West” appear to be more passive than experienced EU members or countries which have shared the same values with European Communities members even before 1989 – such as, for example, Austria or Sweden. Big states also appear to be more assertive; this means that they prefer to express their position when intervening. Being involved in the Presidency trio – whether as a country holding the office or as a former or upcoming Presidency – has an impact as well. Lithuania as an acting Presidency was completely silent (even though the country delegate was present in all meetings) and the oral activities of Greece (upcoming Presidency) and Ireland (past Presidency) were very low.

Figure 2 here

Figure 2 presents the share of uncooperative and cooperative interventions expressed in relative terms, i.e. what percent of interventions from the total number of interventions expressed by Member state were cooperative and uncooperative. This perspective offers other interesting findings. First, the effect of size is a little bit downplayed, as the first five most uncooperative countries – from a relative perspective – cannot be counted among the big players. The same applies to membership tradition. “New” Member states can be found in both corners of Figure 2, while traditional countries (particularly the founding “6”) are distributed across it.

In the second part of the analysis, a binary logistic regression was used to explore which independent/control variables affect the dependent variable and to what extent. The analysis included only 1,852 of 2,053 interventions. One Member state (Czech Republic) had a caretakers’ cabinet in the

analysed period and three countries (Luxembourg, Malta, Cyprus) were not included in the Chapel Hill dataset. In both cases, such governments could not have been characterized in terms of right-left ideology, GAL-TAN position or approach towards European integration. They were therefore excluded from the analysis.

Altogether, four models were constructed. The first three analysed particular individual hypotheses and the fourth included all independent variables. All models encompassed the control variables '*EU membership*', '*Language used*', '*Item*' and '*Representative*'. Results of the analysis are summarized in Table 2 reporting B value and its SE.

Table 2 here

Table 2 shows pretty well that in general terms the models do not explain that much of the Member states' communication within the working groups. Values of the Nagelkerke  $R^2$  coefficient<sup>5</sup> are quite low for all models, and even the differences between values of  $-LL$  for initial models and regression models are quite small in all cases<sup>6</sup>. Even though the analysis did not aspire to explain the maximum of variety, this sends the message that the independent variables – as constructed for this article – cannot be used to understand working groups' communication. First of all, any rationally motivated variable reflecting domestic interests in terms of ideology, EU approach and GAL/TAN dimension reaches statistical significance. Even if significance is left aside, the coefficients of all independent variables across models are very low in terms of their values. Moreover, not in all cases they follow expected directions – for example, a more positive approach towards the EU (Models 2 and Models 4) seems to decrease cooperative communication in the working groups. Thus, all three hypotheses have to be rejected.

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<sup>5</sup> Nagelkerke  $R^2$  0.02 for all models .

<sup>6</sup> This difference is 29.45 for Model 1 (2552.72-2523.27), 31 for Model 2 (2552.72-2521.72), 31.19 for Model 3 (2558.00-2519.14) and 32.99 for Model 4 (2558.00-2525.01).

How can the conclusion that rationally motivated factors do not have substantial impact on the communication in the working groups be explained? First set of responses can be found among control variables. Their coefficients and statistical significance suggest that both socialization and structural effects can be regarded as more powerful and decisive when it comes to the Member states' communication. For the former, the analysis proposes that the affiliation of the representative plays a role. If a Member state is represented only by a Brussels-based attaché, the probability of cooperative communication is increased – while in the opposite case, when a capital-based delegate is present, he/she contributes to the uncooperative communication. More powerful than this individual level variable seem to be variables that capture a) Member state size, and b) character of the document discussed. First, voting power expressed as QMV share has the biggest impact on communication within the working groups. Delegates from bigger Member states often express what their countries want without packaging their demands into any softening cover. However, the opposite seems to be case in small countries' communication patterns. A quite strong influence can be also spotted in case of document character. Here, if the issue under discussion in a working group is a legislative proposal – and not for example a Council conclusion draft – cooperation in communication decreases.

The remaining two control variables – Language and EU Membership – did not reach statistical significance in any model. Length of EU membership seems to be unimportant, as its coefficients across models were close to zero. When it comes to language, if English is not used in intervening, cooperation in communication increases. However, the effect of language is not statistically significant.

For the second, one can imagine that high level of technicity that characterizes agenda of Single Market working groups can play a significant role *per se*. In many cases very detailed and specific legislative proposals do not need to represent the best mirror to reflect rational political preferences. Simply because that they go too much into depth and such micro level discourages expression of political beliefs.

## **CONCLUSION**

The working groups of the EU Council cannot be counted among the best understood actors in the EU decision-making system. Even that research on them has been increasing in recent years, major shortcomings still remain. First, existing work often merges all administrative levels of the Council into one group and does not distinguish between COREPER and working groups. Data from COREPER there still represents the major source. Second, it is built upon the information provided by insiders and the ex-post evaluation of their activity. Third, regarding the theoretical background, social constructivism represents the dominant – if not the only one – point of departure. There exists, therefore, still a important gap in our knowledge of how working groups accomplish their tasks and how the parties involved behave there. Particularly, Member states represent neglected actors.

This study tries to address above-mentioned shortcomings by analysing Member states' formal oral communication within working groups using a dataset based upon the non-participatory observation of interventions. It focused – contrary to the existing research – on rationally motivated aspects that can shape Member states' behaviour in the working groups. The study expected that the communication pattern in the working groups will be cooperative in case of pro-European, centrist and moderate GAL/TAN governments while rather uncooperative in case of Eurosceptic, non-centrist and significantly GAL or TAN cabinets. However, neither of these assumptions were confirmed. Rationally-based factors do not appear to significantly shape the oral behaviour of Member states at the working group level. This means that what is often said – particularly in a critical tone – towards the EU on the domestic scenes is not necessarily reflected in the activities of the Council's lowest arena.

There are various factors which explain why the rationalistic variables that transfer domestic political preferences are unable to explain Member states' oral communication in the working groups. In the first place, the study confirmed the influence of the socialization argument as found in studies dealing with COREPER (Egeberg 1999; Beyers, 2005, Lewis 1998, 2003, 2005). Contrary to Kaniok's (2016) study, the article suggests that being Brussels-based has an impact on participant communication. For Member states delegates, Brussels affiliation increases their will to communicate in a cooperative way. The distinctive impact of this socialization variable can be explained by different datasets including different participants. While Kaniok included all participants in working group meetings – particularly



the Presidency and Commission – these studies focused only on Member states. While both the Commission’s and Presidency’s representatives are almost in all cases Brussels based, the variety among Member states is substantially bigger. As Kaniok (2016) found that both the Commission and the Presidency defend their interests – both institutions push them forward through Brussels-based representatives – it can be claimed that cooperative communication by members of working groups is encouraged particularly by Brussels-based Member states representatives.

Another important factor that is more powerful than “politically” constructed variables is the character of the document that is being discussed. In this sense, if legislation is debated, Member states’ communication decreases. This is hardly surprising because the legislation is generally perceived as more important than non-legislative points. In this respect, the study confirms similar findings to Kaniok (2016).

Apart from the stronger influence of structural and sociological variables, a marginal effect of domestic political factors can be also explained by the expert characteristic of discussions at the working group level. Working groups usually examine both legislative and non-legislative proposals using an article-by-article approach. This means that, particularly in case of legislative proposals, the interventions often bear detailed and specific technical demands related to the particular article of the file. Hence, a majority of such interventions are hardly influenced – even at the domestic level – by either Left/Right government placement or its general position towards European integration. This suggests that politicization is not very important input in the earliest stage of the Council decision-making process. Taking into account the amount of decisions that are adopted at working groups level, this means that the influence of political variables of Member states’ governments can be overestimated and in reality they play a less significant role in day to day EU political process

In general, the findings of this analysis should be seen as complementary to existing research on Council administrative bodies. There is no agreement among scholars as to which pattern of behaviour dominates in the Council. The analysis of Member states’ interventions confirms broad work emphasizing the importance of socialization processes for the Council (e. g. Lewis 2005, Juncos, Pomorska 2011) and expands it by stressing key role of Brussels based diplomats for orchestrating the cooperative communication spirit within the working groups. Being identified as the important

“masters of puppets” is not that much surprising. Majority of attaché working at national Permanent Representations cover more than one working group. Being usually responsible for two or more similar agendas inevitably leads to meeting the same people every week and thus creating not only networks, but also feeling of shared responsibility. In this sense, Brussels based national delegates seem to form similar circles as do participants in COREPER and can be characterized with the famous Lewis (2005) Janus face metaphor.

On the other hand, the study also backs those who depict the Council and its components as an arena where intergovernmental elements play a role. In this respect, for example, the study supports the findings of Naurin (2010), who argues that the working groups are involved more in argument rather than deliberation. This analysis shows that particularly bigger and traditional Member states are quite active in this regard and that a character of a document discussed is a significant predictor.

Several constraints which can problematize findings this study brings have to be mentioned. First, this article focused only on limited amount of working groups operating in one – even that quite broad – policy area of the Single Market. It could be therefore valuable for future research to analyse working groups acting in areas that are more intergovernmental as one could expect that traditionally salient issues as police cooperation or defence could more intensively reflect governmental ideological or overall EU preferences. However, existing research suggests that even in such “high level” areas socialization of participants involved in the bargaining takes place (Juncos, Pomorska 2006, 2011). On the other hand, a greater variety of working groups could strengthen the socialization argument – if confirmed – because working groups acting in different policy areas are attended by different attachés than those negotiating in Single Market topics. Second, inclusion of more policy areas, such as agriculture or social policy for example, could be beneficial in that sense as well. Member states’ preferences vary across sectors and a more complex dataset could thus produce more a colourful and balanced picture of the communication. Single Market agenda – even if researched in a limited number of topics – touches to some extent each Member state and each of them have some preferences there. There are however areas or policies where particular Member state or groups of states does not need to have an interest at all – one could for example imagine fishery policy being a case where countries as the Czech Republic or Slovakia do not have any preferences. Such comprehensive

research would require a very broad team in order to collect such data. Third, the study focused only on Member states' formal oral communication, leaving aside, formal written inputs or informal processes that often precede working groups' meetings . Access to this kind of data – particularly regarding the informal level – is however very problematic if almost impossible, particularly if the ambition of the research is to include all Member states. Forth, this study also omitted the issue of saliency of particular proposals for Member states. In this regard, it could be useful to measure the saliency of specific parts of documents debated within the working groups, as saliency of technical details may vary point by point. Fifth, the article did not account for increased role of populist parties across EU Member states, in some of them being already part of governments. As this tendency does not seem to be stopped, particularly this question – how and if can populism influence the functioning of EU Council – represents interesting challenge for future work.

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