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Research Article

## Member States and Audible Communication within the EU Council Working Groups

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## Abstract

EU Council Working groups still represent a neglected topic in EU research. Where they are analysed, the effect of socialisation is particularly tested, while rationally motivated factors such as Left-Right position, green/alternative/libertarian (GAL) and traditionalism/authority/nationalism (TAN) positions or approaches towards European integration are left aside. This article analyses how such factors shape the Member States' oral communication at the Working Groups 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 the audible communication of representatives of the EU Member States. The article's conclusions therefore lend support for the effect of socialisation on oral 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

The Council of the EU is an important EU institution for European Union (EU) Member States (MS). It serves as an arena where they can express and defend their interests. MS 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's working groups (WGs). In addition to being the lowest level of the Council hierarchy, they are also its least studied element. This is especially true of the bargaining and negotiation processes within the groups, as well as communication used there. Current research tends to focus primarily on tasks exercised by WGs in the Council's decision-making processes (Olsen 2011; Häge 2016, 2013, 2008, 2007a, 2007b). However, little has been revealed when it comes to the internal praxis of the Council's WGs or the factors which shape it. While Kaniok (2016) analyses the general communication patterns within the WGs, there is little scholarship dealing with this phenomenon. Surprisingly, almost no interest has been paid to the MS in this regard. This is striking as they are the most prominent actors in Council activities. Moreover, WGs offer MS the initial opportunity to express their demands and national interests.

The goal of this study is to extend our knowledge about the WGs by analysing MS oral interventions expressed during meetings of the WGs acting mainly in the area of the internal market. Based upon data collected during non-participatory observations of more than 20 meetings, the article uncovers how MS communicate when intervening in the WGs and how they contribute to the general atmosphere within them. More specifically, it focuses on how MS governments' positions on the Left-Right scale, their position on Green-Alternative-Libertarian/Traditionalism-Authority-Nationalism scale (GAL/TAN) and their approach towards European integration factor into the communication in WGs. Hence, this article tests a rationalist assumption that interactions in the WGs reflect the political preferences of MS governments.

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 function as influential variables at the WGs level. Neither distance from the political centre, nor GAL/TAN position, nor general approach towards European integration seem to influence the forms of MS communication within WGs. On the contrary, the analysis confirms the impact of the socialisation process that occurs within the WGs, as Brussels-based representatives tend to be significantly more cooperative than their capital-based colleagues. Additionally, structural factors such as a MS power or the character of the document being discussed play an important role. This article therefore argues that the domestic politicisation of EU affairs does not necessarily shape the actual behaviour of MS in the Council.

The article proceeds as follows: the first section introduces the role of WGs in the Council's decision-making system. It also reviews existing research on this issue. The next section presents the theoretical framework and hypotheses. The third part describes the data used, how the data was gathered and how these data were analysed. The article proceeds to the analysis. The last part of the article places the findings in the context of existing knowledge and outlines directions for possible further research.

#### **WORKING GROUPS: WHAT MATTERS THERE?**

WGs construct the most basic component of the Council's work. Estimates for the number of WGs vary. Usually, there are between 170 to 200 WGs<sup>1</sup>. The key purpose of a WGs may be described as that of a body which allows for the negotiation and deliberation of MS positions. That does not mean that MS are acting alone. Important tasks are expected from the Presidency, as well as from the Commission and from the Council Secretariat.

Legislative work consists of deliberating proposals, whereas the main focus of non-legislative activities is to draft first versions of Council conclusions. This means that each WG is supposed to prepare a particular file for a Council decision. Therefore, the WGs should formulate a consensus on the text which will allow for its approval at the COREPER level and after that its formal adoption by the ministers.

It is worth mentioning that WGs are far from being uniform. Important structural aspects as to who chairs their meetings (this could be either rotating Presidency, elected chair, a representative of Council Secretariat or a representative of the High Representative of the Union for Foreign Affairs and Security Policy) or what is the main focus of the WG (legislative proposal versus non-legislative files) play an important role and affect their functioning.

From a theoretical point of view, Council WGs are understood from two broad angles. The rationalist perspective recognises them as only formally important bodies serving as nothing more than a channel through which national interests are articulated. The reason for such a straightforward understanding is that MS participants in WGs must follow guidelines in the form of national instructions. These are based upon preferences formulated within their domestic political systems. Such preferences mirror the interests of various actors, be they economic, social or political, within each MS and are 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 arena negotiations (Moravcsik 1998; Beyers and Diericks 1998). From the neo-institutionalist perspective, WGs represent more active as well as independent players. They are perceived as arenas within which interests are bargained for and against, and where the very rules regulating such negotiations are defined. From the neo-institutionalist point of view, the members of WGs 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 involved (Trondal 2007; Lewis 1998, 2005; Aus 2008).

Regarding the influence of the WGs, there is no agreement in existing formal guidelines. In general, they seem to be rather underestimated, as being part of a too banal and apolitical part of the EU machinery, whereas the focus of EU scholars is on what could be called the authoritative dimension of the EU decision-making process and its effects outside Brussels (Adler-Nissen 2016: 90). Conventional wisdom suggests that WGs are responsible for the majority of Council results (van Schendelen 1996; Hayes-Renshaw and Wallace 1997). However, this conclusion has been based either on mere guesswork or on estimates by insiders. In more rigorous research, Häge (2008, 2007b) revealed that WGs were responsible for less than 40 per cent of Council decisions, while Olsen (2011: 159) claims that an even smaller share of decisions, only 33 per cent, are resolved by WGs as the majority of files raise controversies among MS or have financial impacts. More recently, Howard Grøn and Houlberg Salomonsen (2015) have suggested that the division between the non-political WGs and the political ministerial level is questionable, as representatives other than ministers often participate in the ministerial meetings.

A conflict similar to that between 'conventional wisdom' and more rigorous research can be seen in the role of political factors for the WGs. WGs were long perceived as an arena where the technical aspects of legislation were worked out while leaving the political issues for debate in bodies such as COREPER (Westlake 1999). Foilleux, de Maillard and Smith (2005) challenged this approach, however, arguing that there is no clear distinction between 'political' and 'technical' issues. The principal finding of their study was that WGs do not operate solely at a 'technical level'. Instead, they are vital arenas in which the ambiguous nature of politics in the EU influences the negotiating processes and legislative outcomes.

The most important tools for WGs activities are negotiations among involved participants. Here, both formal and informal communication among participants creates the necessary conditions which enable the WGs to operate smoothly. Beyers and Diericks (1998, 1997) found that discretion is important in the communication between national delegates and that informal communication is excessive in WGs occupied by Brussels-based attendants. Notably, this communication is led by non-state players such as Commission representatives. The more powerful actors were identified to be those coming from large MS, and communication patterns following a South-North line (Beyers and Dierickx, 1998). The presence of this conflict dimension was later confirmed by Naurin (2007). Kaniok's (2016) analysis revealed that WGs tend to be more competitive than consensus-oriented when it comes to the internal communication, also arguing that WG participants differ significantly in their behaviour. MS are the most cooperative, followed by the 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 appear to adopt a more cooperative approach than do participants attending the meetings from their domestic institutions. Naurin (2010) disclosed that there are prevailing patterns of discussion within WGs, arguing that explanations are given more often because of an actor's aim to persuade other participants than to explain one's position in order to promote a compromise. Smeets' (2016, 2015, 2013) work on the EU Council's deliberations on the Western Balkans put a strong emphasis on language as a factor shaping the governing dynamics of the Council negotiations.

Even though there are some differences among researchers, the strongest conclusion from existing research is that socialisation-creating consensus can be identified as a process influencing various levels of the Council (particularly regarding COREPER) and participants act in a way which is far from being motivated solely by self-interest. There are different explanations for what factors create this consensus. Some studies have focused on the costs of norm-violating and the related tendency to practice self-censorship (Heisenberg 2005; Aus 2008). Such explanations could be linked to processes of stigmatisation or shaming (Schimmelfennig 2003; Adler-Nissen 2014) as delegates attending meetings share a 'responsibility to come up with solutions and keep the process going' (Lewis 2005: 949-950). It is thus perceived as inappropriate and costly to persist in obstructionist behaviour. In this way, obstructers can be shamed into norm compliance (Adler-Nissen 2014). Other studies have linked the consensus-reflex to negotiation styles and deliberative processes (Risse and Kleine 2010; Lewis 2005). This perspective received its impetus from the broader debate on socialisation, which focuses on whether prolonged exposure to the Brussels way of doing business can influence national delegates' behaviour in the Council (Juncos and Pomorska 2011; Checkel 2003). Similarly, it can be argued that particularly Brussels-based MS attachés can form epistemic communities (Zito 2001), a network of professionals sharing a common worldview, beliefs about how causal relationships unfold in a given area and also including agreed methods for assessing these relationships as well as normative beliefs about the policy implications (Haas 1992: 3). WGs perfectly fit to this description. They do not consist only of attachés, but also from experts in the field, often attending them in given areas for years.

Therefore, it is often argued that there is a cooperative spirit within the meeting rooms and friendly atmosphere among the delegates. The socialisation argument has been frequently tested (Lewis 2005, 2003, 1998; Juncos and Pomorska, 2011, 2006; Egeberg 1999; Beyers 2005), yet little is known about the rationally motivated factors which may shape communication in the WGs. From a rationalistic approach, it may be said that the governments of the MS use WGs as arenas where they can pursue their political goals. Such objectives can be differentiated into three aspects. First, the Left-Right position of a particular government plays a significant role. Second, the cabinet's placement on the GAL/TAN scale, reflecting its position on democratic freedoms and rights, has come into question more and more in the latest phase of European integration. Third, a government's

approach towards European integration constitutes another important factor as it signals how far and how deep a particular country seeks to move forward the integration process.

There are good reasons to believe that all these components may influence what a particular country does in the EU Council. Starting with Left-Right position, European integration has been traditionally seen as a project of the political centre (Taggart 1998; Aspinwall 2002). As Marks and Hooghe (2006) argue, the EU 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. One can thus expect that governments consisting of such parties would be more concerned with promoting their interests and demands and less interested in fostering a cooperative spirit within the EU institutions. Similar relations can be observed within the GAL/TAN dimension where parties and government closer to the GAL axis tend to be more interested in common goals than their counterparts from the TAN camp. Lastly, when it comes to Euroscepticism, or a party's more general underlying approach towards European integration, this is a phenomenon which has become increasingly important since the 1990s when the process of the politicisation of European integration rapidly sped up. As a result of the persistent multiple crises which the EU has been facing since approximately 2008, both MS 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. Recent research on the EU Council shows that political factors play a role at the ministerial level. Mühlbock and Tosun (2018) found that ministers' voting behaviour was significantly influenced by important national factors such as public opinion, party politics and structural, as well as sectoral, interests. Similarly, Roos (2019) revealed that the number of conflicts in this area has increased in the post-Lisbon EU, arguing that such conflicts have their roots in domestic politics. The question is thus whether a similar process of the increased influence of political factors can also be identified at the WGs level.

## THEORY AND HYPOTHESES

This study contributes to the research on the internal processes with the WGs, more specifically the nature of their internal communication. This article operationalises internal communication as set of formal oral expressions presented during meetings by those who attend them, and those who are authorised to speak there, otherwise called interventions. Interventions represent the most straightforward route by which an actor can influence the WG's business. WGs represent the most suitable opportunities to do so as MS are induced to voice their concerns early in the process (Smeets 2015: 291). They know that even a minister will have little chance to change a decision-making process in motion, let alone turn it around as they wish (Puetter and Wiener 2007: 1085). Informal rules and norms dictate not only when it is appropriate to object, but also how to object. As various scholars argue (Smeets 2016; Novak 2013; Cross 2011), the expected way to show opposition in the Council is by means of interventions, rather than through vetoes or votes. Council plenaries have been referred to as long lines of isolated interventions. Such interventions serve not just as a chance to state one's position and look for allies. In this sense, Smeets (2016: 27, 2015: 291) argues that they should primarily be seen as investments since they serve to signal commitment for or against a given position. Plenary interventions indicate how far, or more precisely how high up, MS are willing to take matters.

Interventions should not be overestimated as they are not the sole tool used by MS to communicate. First, it could be argued that even being silent can be understood as a form of communication, particularly indicating a cooperative attitude. Additionally, non-verbal aspects of communication, especially body language, may construct an important part of the message a particular delegate wants to send. WGs actors, particularly MS, may also send written comments. They may also negotiate bilaterally or multilaterally in a completely informal format. A classic case of this type of negotiation is a 'like-minded

group' or networks of countries sharing similar interests or goals (Elgström 2017, 2000: 465). Finally, discourse and context in terms of how certain topics are framed are important as interventions are not expressed in vacuum, but do appear in certain situation which may influence them.

All these aspects of WGs communication were deliberately omitted for several reasons. First, when it comes to remaining silent, as Aus (2008: 115) argues, internal negotiations are driven by the logic of 'if you oppose, you have to speak up'. Moreover, any 'silent' form of communication is undetectable and is therefore not very important from a rationalistic perspective. Non-verbal dimensions of communication as well as context undoubtedly play an important role. Nevertheless, the dataset does not contain them. One could also argue that their measurement is almost impossible, not least because it would require the analysed meetings to be video-recorded, which is not the case for WGs. Apart from questionable operationalisation of what particular gesture means or how to measure contextual factors (the cultural or personal aspects related to particular delegate in the room come to play), it would be very difficult to pair such data with oral interventions because of possible different sequencing of both. Therefore, this study focuses only on audible forms of communication with particular emphasis on interventions.

In intervening, MS are theoretically restricted by the Council's Rules of Procedure. The rules encourage MS to intervene only if they are proposing a modification to the issue under discussion (Council Decision 2009/937/EU, annex 5). In reality, interventions often do not 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.

Rationally motivated components which can shape the content of interventions are tested through three hypotheses. The basic logic departs from the assumption that pro-European actors will emphasise cooperative communication and that representatives whose governments are critical or sceptical of 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 from 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 the economic dimension. In particular, several contributions share the view that Left/Right ideology influences party preferences on European integration (e. g. Marks and Steenbergen 2004; Hooghe *et al.* 2004). 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. The Left-Right position argument is relevant for this study because the rationalistic perspective on the WGs treats them as channels through which capitals express their positions, including ideological stances.

*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 for the position political party can take on the EU. As Marks *et al.* (2006) claim, a second, non-economic or cultural, new-politics dimension has gained strength since the 1970s in Western Europe. This dimension summarises 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, or 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 (TAL). They have also found that hard GAL and hard TAN positions usually lead to opposition to European integration. Similarly, as in the case of the Left-Right dimension, if the rationalistic perspective on the WGs is valid, it should be reflected in a way that delegates from governments closer to the TAN part of GAL/TAN element should be less cooperative than their colleagues linked to the governments which are closer to the GAL side.

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

The third component of the rationalistic argument is overall party position towards the EU. If rationalist assumptions are correct, this should also be anchored at the WGs level. As party-based Euroscepticism is traditionally seen as politics of opposition (Sitter 2002, 2001), it is reasonable to expect that governments with critical stances towards the EU in general should instruct their WGs representatives in a similar way. Consequently, one could expect more focus on one's own positions and interests and less on concerns regarding other actors' preferences and common goals.

#### **DATA, VARIABLES AND METHOD**

Kaniok's (2016) binary variable '*Communication*' was analysed for the dependent variable. This variable is a result of non-participatory observation of 21 meetings of several Council WGs dealing particularly with Single Market agendas. This observation took place between 9 October 2013 and 26 November 2013. During these meetings, the content of interventions expressed by the various actors was captured (see Kaniok 2016) and two groups were created based on whether there was support for another's action was present or not. Hence, Value 1 ('Cooperative') combines interventions expressing support for another actor, either being the sole content of the intervention, or being accompanied by an expression of the speaker's own position or by a procedural comment. Value 0 ('Uncooperative') includes interventions delivering a speaker's own position, either as the sole content of the intervention or in tandem with the procedural issue mentioned.

The logic behind the dependent variable ('Communication') and its two values is based upon practitioners' experience (Kaniok, 2016), the Council's internal norms, and literature on the Council and its working bodies. According to reports by practitioners, both what is said during the meetings as well as how it is said are highly important. Dissent from changes proposed by the Presidency, for example, may be expressed in various ways. Requests which are made in the context of the expression 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 a clear message of respect for the other actors, the latter approach leaves such aspects aside. Even the Council's official norms promote certain values such as consensus, efficiency and cooperation among MS<sup>2</sup>. Therefore, these different styles considerably influence both the overall atmosphere of the meeting and the perceptions of the speaker. As the literature on the EU Council argues, informal rules and norms of negotiation substantially shape the way the EU Council and its bodies operate. Moreover, MS should voice their positions at the lowest levels of the Council hierarchy

(Smeets 2015) because in the later stages of policy making, including at the ministerial level, this is not considered appropriate behaviour (Puetter and Wiener 2007: 1085).

When it comes to the independent variables, they were computed based on the Chapel Hill Survey and its longitudinal dataset. The Chapel Hill Survey measures party positions towards various aspects of European integration and it contains party positions on general political issues. Hence it is possible to compute values for MS governments using the 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 the MS government for which the value is computed.

Governmental position in relation to the political centre was calculated as its distance of LRGEN variable's value 5, signalling that such a 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 1 indicates strong opposition to the EU and 7 indicates strong support for the EU.

The analysis controls for various factors. First, the level of individual socialisation of participants makes a difference in their behaviour (Fouilleux, de Maillard and Smith 2007). Delegates working at national Permanent Representations usually share a sense of dual responsibility to both to their MS as well to the EU's institutions. This is important as Brussels-based diplomats tend to follow a different pattern of behaviour than their capital-based counterparts. To summarise, the former emphasise a more cooperative style in negotiating than the latter. Therefore, the records of participant interventions available for every meeting were used to construct the variable *'Representative'*. This makes it possible to distinguish whether a MS was represented only by a national expert coming in from the capital, by a Brussels-based attaché or a combination of the two.

Second, collective socialisation<sup>3</sup> considers the passing of 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 a WGs, the more it will follow the shared norms of consensus and cooperation which exist there. The transfer of this collective socialisation factor to individual delegates is ensured by the training of officials within MS. Thus, the variable *'Length of EU membership'* is expressed as the number of years a particular MS has been a member of the EU.

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 WGs will be higher when dealing with legislative files than when preparing non-legislative documents. Hence, meeting agendas accessible on the Council website prior to each 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, Schaefer and Trondal (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, in addition to English, considered as another two EU working languages. If they do not use their mother tongue, they are using English. As Egeberg, Schaefer and Trondal (2003: 28) found, in the late 1990s, 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 WGs, because it saves time and provides a substantial majority of delegates with equal positions in the negotiation process. Therefore, the variable *'Language used'* describes the language used during the meetings. The values recorded here are English and other languages.

Finally, the size of the actor matters in terms of control. Ownership of more resources can influence the willingness of MS to cooperate or act independently (Naurin 2015). *'Size of the Member State'* was calculated as each MS's voting power expressed in terms of per cent share of their votes in the total number of votes available in the Council. The variable *'QMV share'* hence reflects the relative power of each MS.

## ANALYSIS

A total of 5,021 interventions were observed, including purely procedural interventions. However, only 2,179 of them were expressed by MS, as reported in Table 1.

**Table 1: Interventions in the Working Groups According Actor Type**

	Amount	Percentage
Presidency	2,554	50.9
Commission	256	5.1
General Secretariat	32	0.6
Member States	2,179	43.4
Total	5,021	100.0

Figure 1 reports the distribution of interventions across MS. Purely procedural interventions are excluded from the sample. That means that 2,049 interventions expressed by MS 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 sends a couple of interesting messages. First, the size of the MS seems to matter quite a lot when it comes to oral activity in the WGs. 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 main group. The second attribute which seems to encourage or discourage representatives of the MS 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 Community members since before 1989, for example Austria and 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 too. Lithuania, when holding the acting Presidency, was completely silent (even though the country delegate was present at all meetings) and the oral activities of Greece (upcoming Presidency) and Ireland (past Presidency) were very low.

**Figure 1: Interventions in the Working Groups According Type**

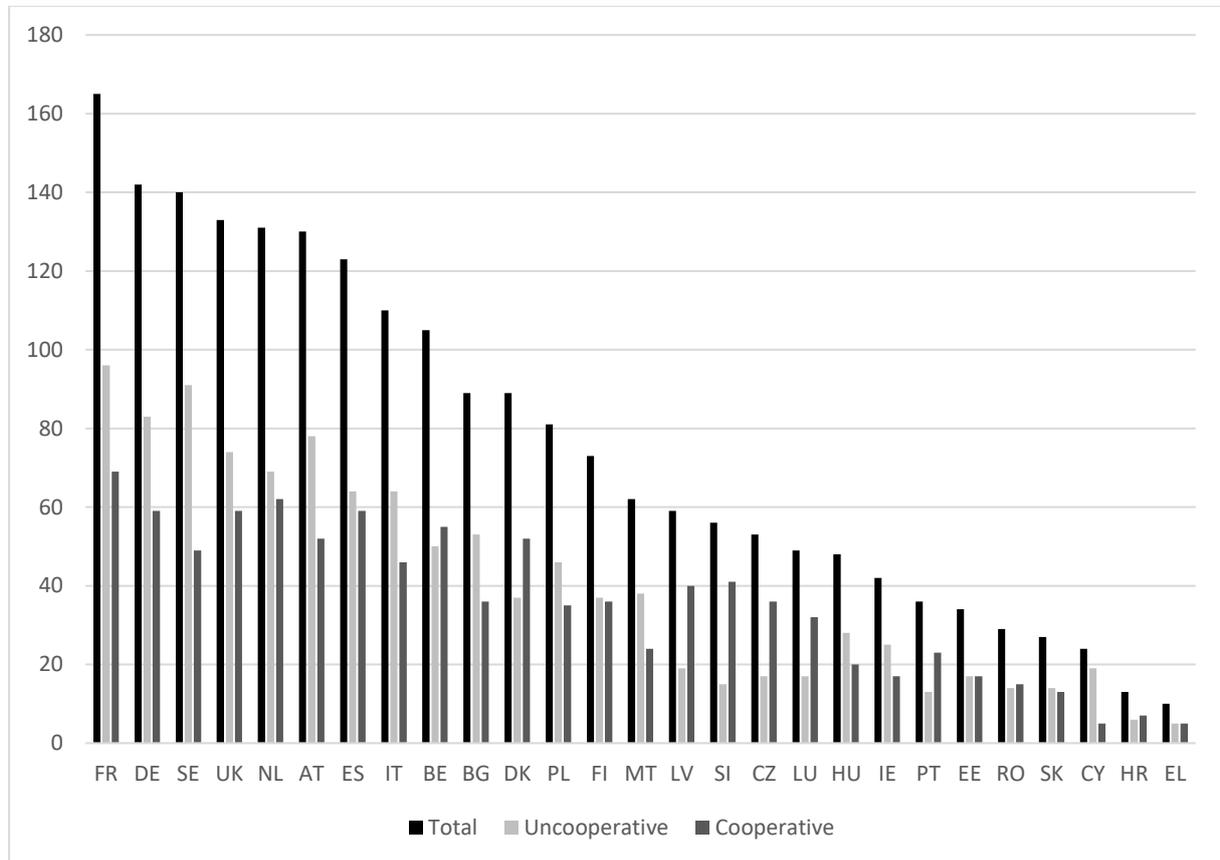
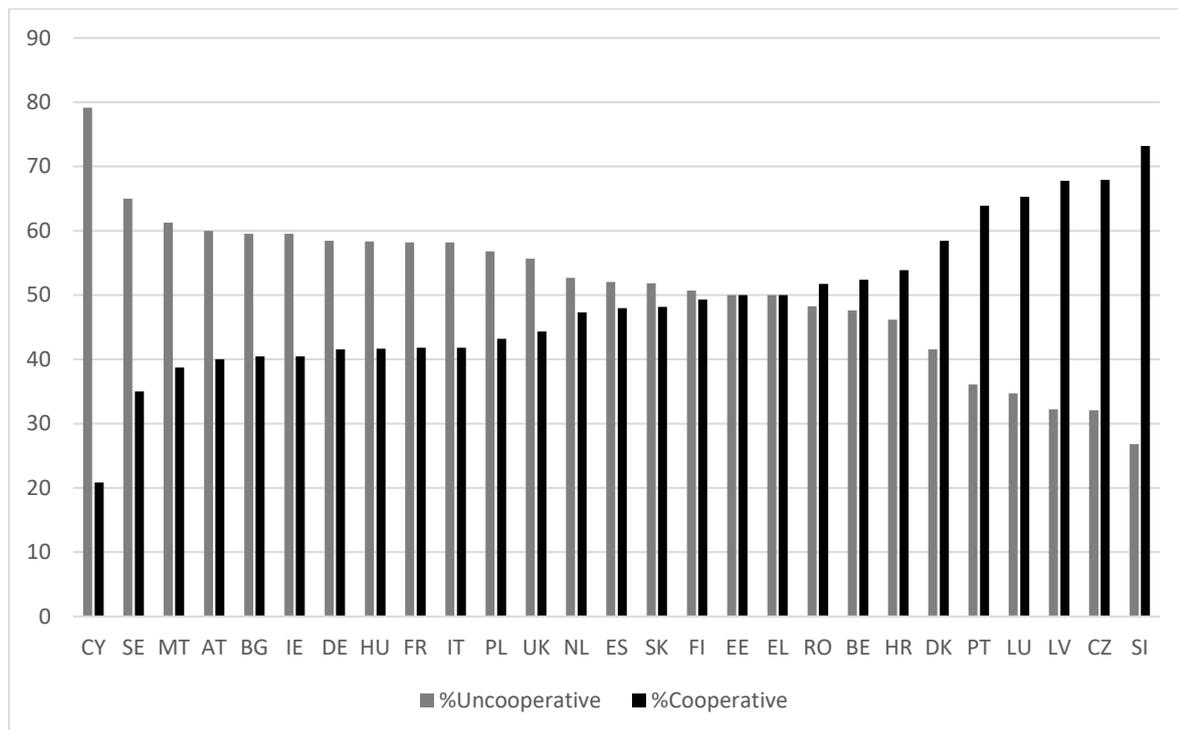


Figure 2 presents the share of uncooperative and cooperative interventions expressed in relative terms, in other words what percentage of interventions from the total number given by MS were cooperative and uncooperative. This perspective offers further interesting findings. First, the effect of size is slightly 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' MS can be found in both corners of Figure 2, while traditional countries (particularly the founding 'six') are distributed across it.

**Figure 2: Share of Uncooperative and Cooperative Interventions**

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 the 2,053 interventions. One MS (Czech Republic) had a caretakers' cabinet in the analysed period and three countries (Luxembourg, Malta, and Cyprus) were not included in the Chapel Hill dataset. In these cases, such governments could not be characterised in terms of Left-Right 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 individual hypotheses and the fourth included all the independent variables. All the models encompassed the control variables 'EU membership', 'Language used', 'Item' and 'Representative'. The results of the analysis are summarised in Table 2, reporting the B value and its SE.

**Table 2: Overview of Models**

	Model 1	Model 2	Model 3	Model 4
	B (SE)	B (SE)	B (SE)	B (SE)
<i>Independent variables</i>				
Ideology	-.01 (.06)			-.00 (.06)
EU Approach		-.08 (.06)		-.08 (.06)
GAL/TAN			-.04 (.04)	-.42 (.04)
<i>Control variables</i>				
QMV	-5.15 (2.31)**	-6.01 (2.23)***	-4.61 (2.29)**	-5.23 (2.50)**
EU Membership	.00 (.00)	.00 (.00)	.00 (.00)	.00 (.00)
Item (Non-Legislative)	.52 (.15)***	.51 (.15)***	.54 (.16)***	.53 (.15)***
Language Used (Non-English)	.09 (.11)	.15 (.13)	.08 (.11)	.15 (.11)
Representative (Brussels)	.23 (.11)**	.24 (.11)***	.23 (.10)**	.25 (.10)**
Constant	-.10 (.13)	.34 (.38)	-.09 (.12)	.39 (.38)

\*p ≤ 0.1, \*\* p ≤ 0.05, \*\*\*p ≤ 0.01

Table 2 shows that in general terms the models do not explain much of the MS communication within the WGs. The values of the Nagelkerke  $R^2$  coefficient are quite low for all models (0.02), and even the differences between values of  $-LL$  for the initial models and regression models are quite small in all cases (29.45 for Model 1 (2552.72-2523,27), 31.00 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)). Even though the analysis did not aspire to explain the maximum of variety, this indicates that the independent variables cannot be used to understand WGs communication. Firstly, any rationally motivated variable reflecting domestic interests in terms of ideology, EU approach and the GAL/TAN dimension reaches statistical significance. Even if significance is left aside, the values of the coefficients of all the independent variables across the models are very low. Moreover, they do not follow expected directions in all cases. For example, a more positive approach towards the EU (Models 2 and Models 4) seems to decrease cooperative communication in the WGs. Thus, all three hypotheses are rejected.

How can the conclusion that rationally motivated factors do not have a substantial impact on communication in the WGs be explained? The first set of answers can be found among the control variables. Their coefficients and statistical significance suggest that both socialisation and structural effects can be regarded as more powerful and decisive when it comes to the communication by MS. Regarding socialisation, the analysis proposes that the affiliation of the representative plays a role. If a MS is represented only by a Brussels-based attaché, the probability of cooperative communication is increased. In the opposite case, when a capital-based delegate is present, they contribute to relatively uncooperative communication.

More powerful than this individual level variable seems to be variables that capture a MS's size, and the character of the document being discussed. First, voting power expressed as QMV share has the biggest impact on communication within the WGs. Delegates from bigger MS often express what their countries want without packaging their demands into any mollifying cover. However, the opposite seems to be case for small countries' communication patterns. A relatively strong influence can be also spotted in case of document character. Here, if the issue under discussion in a WGs 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. Duration of EU membership seems to be unimportant, as its coefficients across models were close to zero. When it comes to language, when English is not used in interventions, cooperation in communication increases. However, the effect of language is not statistically significant.

Regarding structural effects, one can imagine that the high degree of technicality that characterises the agenda of the Single Market WGs can play a significant role. In many cases, very detailed and specific legislative proposals do not offer the best opportunities for expressing political preferences of particular government, simply because deliberations surrounding such files go into great depth and such micro level discussions disable expression of political beliefs.

## DISCUSSION AND CONCLUSION

The WGs of the EU Council are among the least understood actors in the EU decision-making system. Even though research on WGs has increased in recent years, major gaps remain. First, existing studies often merge all administrative levels of the Council into one group and do not distinguish between COREPER and WGs, with data from COREPER representing the major source. Second, existing research is built upon the information provided by insiders and the ex-post evaluation of their activity. Third, regarding the theoretical background, models inspired by social constructivism are the dominant point of departure. There still exists, therefore, an important gap in our knowledge of how WGs

accomplish their tasks and how the parties involved behave. In particular, MS represent neglected actors.

This study addressed these gaps by analysing MS formal oral communication within WGs, using a dataset based upon the non-participatory observation of interventions. It has focused on rationally motivated logic assuming that WGs are a channel through which MS transfer their political and ideological goals which should affect their delegates' behaviour. Thus, the study hypothesised that the communication patterns in the WGs would be cooperative in the case of pro-European, centrist and moderate GAL/TAN governments while rather uncooperative in the 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 MS at the WGs level. This means that what is often said, particularly in a critical tone, towards the EU in domestic contexts 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 the oral communication of MS in the WGs. In the first place, the study confirmed the influence of the socialisation argument as found in studies dealing with COREPER (Lewis 2005, 2003, 1998; Egeberg 1999; Beyers, 2005). Contrary to Kaniok (2016), the analysis presented here suggests that being Brussels-based has an impact on participants' audible communication. For MS delegates, Brussels affiliation increases their willingness to communicate in a cooperative way. The distinctive impact of this socialisation variable can be explained by different datasets including different participants. While Kaniok (2016) included all participants in WGs meetings, particularly the Presidency and Commission, this study focused only on MS. While in almost all cases the representatives of both the Commission and Presidency are Brussels based, the variety among MS 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 WGs members is encouraged particularly by Brussels-based MS 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, MS 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 strong influence of structural and sociological variables, the marginal effect of domestic political factors can be also explained by the expert character of discussions at the WGs level. WGs 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 the cabinet's general position towards European integration. This suggests that politicisation is not such an important factor in the earliest stage of the Council decision-making process. Considering the number of decisions that are adopted at the WGs level, this means that the influence of the political variables of MS governments can be overestimated and in reality they could play a less significant role in the day-to-day EU political process. This is particularly important in the current phase of the integration process, which recently has been significantly politicised especially within the domestic political arenas of many MS.

In general, the findings of this analysis should be seen as complementary to existing research on Council's internal bodies. There is no agreement among scholars as to which patterns of behaviour dominate in the Council. The analysis of MS interventions confirms

other studies emphasizing the importance of socialization processes for the Council (for example Lewis 2005; Juncos and Pomorska 2011) and expands the investigation by stressing the key role of Brussels-based diplomats for orchestrating the spirit of cooperative communication within the WGs. Being identified as the crucial 'masters of puppets' is not very surprising. The majority of attachés working at the national Permanent Representations are active in more than one WGs. Being 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 professional circles as do participants in COREPER and can be characterised with Lewis's (2005) 'Janus face' metaphor.

On the other hand, this study also backs those who depict the Council and its components as an arena where intergovernmental elements play a role. In this respect, the study supports the findings of Naurin (2010), who argues that the WGs are involved more in argument rather than deliberation. This analysis shows that the bigger and long-established MS are active in this regard and that the character of a document under discussion is a significant predictor.

More broadly, this study's findings support the path-breaking empirical research by Smeets (2016, 2015, 2013) on the COWEB working party on Western Balkans enlargement. In this sense, the subtlety of Smeets' work ('all must have prizes') and the actual ambiguity of many negotiations on political and technical distinctions is quite complementary to the analytical conclusions offered here. Particularly the context of social interaction and channels of communication seem to matter as they act to depoliticise many factors that would otherwise lead to bargaining breakdowns. As Smeets' work analysed the political process in a totally different area (the Council negotiations at the working party level on the Western Balkan) such factors appear to play a role across policies and topics.

Several limits to this study should be mentioned. First, this article conceptualised communication within WGs narrowly, focusing only on what can be heard. Even that such choice makes sense for practical as well as analytical reasons, leaving aside factors such as non-verbal communication or context of issues that are deliberated has its price. All these factors are influential and significantly shape oral communication. The big question is how they can be captured and analysed in a systematic way. The EU Council is one of the least open and transparent EU institution and its WGs are perhaps the least accessible level of Council's structure. In this regard, the findings of this article support wider and broader use of what Adler-Nissen (2016) or Bicchi and Bremberg (2016) call the 'practise turn in EU studies'. That is application of participatory or non-participatory observation or other ethnographic methods as perhaps only they can explain how opaque parts of EU's decision-making machinery work. Second, this article focused only on a limited amount data on the WGs operating in one, albeit broad, policy area of the Single Market. It would be valuable for future research to analyse WGs acting in areas that are more intergovernmental, as one could reasonably expect that negotiations on more traditionally salient issues, such as police cooperation or defence, could reflect more intense governmental ideological, or overall EU, preferences. However, existing research suggests that even in such 'high level' areas, there is socialisation of the participants involved in the bargaining (Juncos and Pomorska 2006, 2011). On the other hand, the systematic study of a greater variety of WGs could strengthen the socialisation argument because, if confirmed, WGs acting in different policy areas are attended by different attachés than those negotiating Single Market topics. Second, the inclusion of more policy areas, such as agriculture or social policy, could be beneficial in that sense as well. MS preferences vary across sectors and a more complex dataset could thus produce more a detailed and balanced picture of WGs communication. The Single Market agenda, even if researched across a limited number of topics, touches to some extent every MS and each of them have preferences to express. There are, however, areas or policies where a particular MS, or group of states, does not necessarily have any interest at all. One could, for example,

imagine fishery policy being a case where countries such as the Czech Republic or Slovakia do not have any preferences. Such comprehensive research would require significant effort to collect such data. Third, this study focused only on the formal oral communication of MS, excluding the formal written inputs and informal processes that often precede WGs meetings. Accessing this kind of data, particularly regarding the informal level, is very difficult. Fourth, this study also omitted the issue of the saliency of particular proposals for MS. In this regard, it could be useful to measure the saliency of specific parts of documents debated within the WGs, because the saliency of technical details may vary point by point. Fifth, on the explanatory side, the study did not account for the increased role of populist parties across EU MS, in some states already being part of the government. As this tendency does not seem to be abating, the question of how and whether populism and EU politicisation can influence the functioning of the EU Council represents an interesting challenge for future work. In this sense, one could expect at least two possible directions appearing. First, the politicisation emerging in the capitals can be downplayed by the WGs attachés, particularly those who are Brussels-based, creating conflicts between the ministerial level of the EU Council and its lower layers. Second, politicisation can be gradually transferred to the Council as populist national governments replace their staffs in Brussels with fresh and more loyal personnel. Such a process would be slow, but would affect and challenge the internal norms of the EU Council.

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#### ENDNOTES

<sup>1</sup> The Council Secretariat regularly publishes a list of working groups. The January 2019 overview mentions 156 'preparatory bodies' altogether, 123 chaired by the Presidency and 33 chaired by an elected or an appointed chairman or by a representative from Council Secretariat (Council Secretariat, 2019).

<sup>2</sup> For example, the Council's Rules of Procedure (Annex V) considers a full round table as excluded in principle. It encourages MS to express their positions collectively. This applies particularly to the like-minded groups which should hold consultations before the meetings take place and then present their joint positions. The Council's Rules of Procedure also suggest that specific proposals for amendments should be submitted in written form.

<sup>3</sup> This control variable can be perceived as problematic as the interventions are expressed by individual representatives. It would have been more accurate if the length of each individual's membership in the WG had been included. Nevertheless, such data are not included in the dataset. Moreover, even though interventions are voiced by individuals, they should represent the position of a particular MS, not a speaker's personal opinion.

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