20 years of co-decision

INTRODUCTION

This special policy brief looks at voting patterns in the European Parliament and Council of the EU since the introduction of the co-decision procedure (renamed ordinary legislative procedure in the Lisbon Treaty) 20 years ago.

We found that during this time the roll-call vote (RCV) participation rate for MEPs has gone up, as has the internal cohesion of the EP’s transnational political groups. More legislation is now being adopted at first reading, and by larger majorities.

On the Council side, decision-making has become less consensual. Our data show that voting against or abstaining is no longer the preserve of large and Northern member states - the picture today is more varied.

PARLIAMENT: GREATER GROUP COHESION, LESS POWER FOR THE SOCIALISTS

The following analysis is based on roll-call votes cast in the EP plenary, both on final texts and separate amendments or paragraphs, between 1993 and 2013. The proportion of roll-call votes cast under the co-decision procedure is around one fifth of the total number of roll-call votes cast in the EP plenary.

The slight downward trend in the current term may be related to an increase in the number of first reading agreements with the Council, thereby eliminating the need for votes in second and third reading.

Fig. 1: PROPORTION OF CO-DECISION RCVs (OUT OF TOTAL RCVs)

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% Co-decision
MEPs participate in roll-call votes more frequently, and slightly more often when it concerns co-decision files. The increased participation rate can probably be explained in part by the politically controversial nature of many co-decision files, which leads to greater public scrutiny and pressure. But the phasing out of the dual mandate (MEPs can no-longer also be members of a national parliament) is also likely to have played a role.

**PARTICIPATION IN ROLL-CALL VOTES**

Although the EP is more overtly party political than the Council, the average majority in co-decision votes has been rising during the current legislative term, and is now higher than it was during the three previous ones. This may be explained in part by an increased tendency towards first reading agreements, which require the backing of the big political groups in the centre. This trend may continue in the next parliamentary term, particularly if anti-EU parties on the far left and right manage to secure a substantial number of EP seats.

**AVERAGE MAJORITY SIZE**
20 years of co-decision

The likelihood of a political group being on the winning side of a vote is influenced by its size (number of seats) of course, but also by its coalition potential and its internal cohesion.

Over the last 20 years the Socialists’ winning rate has declined, while that of EPP and ALDE has increased.

Fig. 4
WINNING IN CO-DECISION VOTES

The cohesion of the EP political groups is now at its highest level in 20 years. Five of the seven groups have an average cohesion rate of close to 0.9 (on a scale from 0 to 1), which seems counterintuitive when considering the increasingly diverse composition of the groups in terms of nationality, as well as the increasing diversity of subjects dealt with under co-decision.

Fig. 5
COHESION IN CO-DECISION RCVs
Our Council data covers the period since January 1999, which is when EU governments first agreed to provide public access to Council documents in a meaningful way. We divided the data into three key periods:

- January 1999 - April 2004 (5 years, 4 months), up to the 2004 enlargement with 10 new Member States;
- May 2004 - November 2009 (5 years, 7 months), the period up to the entry into force of the Lisbon Treaty;
- December 2009 - July 2013 (3 years, 8 months).

The difference in duration between these periods is compensated for by presenting weighted averages and percentages in the analysis that follows.

The total number of items of legislation adopted in the Council from 1999 to July 2013 went down from an annual average of 175 in the 1999 - 2004 period to an average of 106 in 2009 - 2013, a 39 per cent decline. Legislative activity was at its highest in the twelve months leading up to the 2004 enlargement of the EU, followed by a slump in the same period after May 2004.

But even allowing for the 'enlargement hausse' in legislative activity, the Council does seem to have become less active.

The Council reached fewer agreements under the unanimity rule and more decisions were adopted under the co-decision procedure. Of the items adopted under co-decision in December 2009-July 2013, 69 per cent (208 out of 301 items) were agreed with the Parliament at first reading.
Although the Council is famous for its ‘culture of consensus’, there has been a noticeable increase in ‘no’ votes and abstentions (referred to as ‘contested votes’ in the figure) over the years. In 35 per cent of cases between 2009 and 2013, at least one Member State voted against or abstained on an item of legislation.

There has also been a frequent use of ‘formal statements’—statements by one or several governments which are recorded in the Council minutes, and which often reveal serious misgivings about specific aspects of the legislation or about the proposal as a whole.

* Only includes information on formal statements from May 2004 onwards.
CONTESTED LEGISLATION PER MEMBER STATE

Fig. 8

- **UK**
- **Germany**
- **Denmark**
- **Austria**
- **Portugal**
- **Netherlands**
- **Poland**
- **Bulgaria**
- **Ireland**
- **Spain**
- **Italy**
- **Hungary**
- **Estonia**
- **Slovakia**
- **Malta**
- **Slovenia**
- **Sweden**
- **Romania**
- **Luxembourg**
- **Belgium**
- **Czech Republic**
- **Greece**
- **Latvia**
- **Finland**
- **Cyprus**
- **Lithuania**
- **France**

- Dec 2009 - July 2013, formal statements
- Dec 2009 - July 2013, contested votes
- May 2004 - Nov 2009, contested votes
- Jan 1999 - April 2004, contested votes
VoteWatch Europe is an independent organisation set up to promote better debates and greater transparency in EU decision-making, by providing easy access to, and analysis of, the votes and other activities of the European Parliament (EP) and the EU Council of Ministers (Council). VoteWatch uses the EU Institutions’ own attendance, voting and activity data - available through their websites - to give a full overview of MEP and Member State activities.

Using sophisticated statistical methods developed by political scientists from the London School of Economics and New York University, the website covers the activities of Parliament and Council since 2009. (Parliament statistics dating back to 2004 are also available on the website). Information on the EP is updated daily following each voting session.

Council votes are updated as and when voting data is made available by the Council secretariat. Follow us on Twitter (@VoteWatchEurope) if you are interested in receiving immediate updates.

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