

Signals to Their Parliaments? Governments' Use of Votes and Policy Statements in the EU Council

SARA HAGEMANN,¹  STEFANIE BAILER²  and ALEXANDER HERZOG³

¹European Institute, London School of Economics and Political Science, London ²Political Science, University of Basel ³School of Computing, Clemson University, Clemson

Abstract

Does parliamentary oversight of governments' decisions in the international arena matter? This article finds that it does: governments with strong parliamentary oversight behave differently when negotiating policies at the EU level compared with governments with less powerful parliaments. Where parliaments have formal powers to oversee and restrict their government's positions we see a significantly higher use of opposing votes and formal policy statements by those governments. This behaviour intensifies depending on the governments' standing vis-à-vis other political parties at home. When governments are under pressure in their national parliaments they are more likely to go on record and take a stand against the majority in Brussels. These results make it clear that in EU legislative politics, governments not only consider their policy priorities and negotiation tactics with their European counterparts, but also make use of EU decision records to send signals to domestic audiences, including their national parliaments.

Keywords: EU Council; voting; signalling; formal statements; two level games

Introduction

Do national parliaments play a role when governments negotiate in international politics? The power shift towards international organizations such as the European Union (EU) is usually seen to result in a loss of power for national parliaments. Yet this article shows that governments take into account their domestic political audiences and send signals to their national parliaments when negotiating at the international level. More specifically, we show how governments use votes and formal decision records in international law-making to signal to domestic audiences that they have pursued a particular policy outcome. This signalling is more pronounced when parliaments have strong powers of scrutiny and if the government is in a weak position in domestic politics, suggesting there is a dynamic between domestic actors and international politics that has received little attention in much of the international relations literature. As a number of countries are currently experiencing considerable stress tests of the checks and balances in place on their executives, the question of effective parliamentary oversight over government behaviour is of immense importance to the institutional design of national political systems. To this effect, we look at a case which is particularly informative and topical at the moment: the link between national parliaments and government behaviour in the Council of the European Union (the Council), where ministers from the 28 Member States negotiate and adopt EU policies.

Our analysis comes at a time when the EU is considering new mandates and initiatives to address key economic, financial, social and even humanitarian challenges in Europe. In addition, a number of national parliaments have recently concluded investigations into

how the EU institutions can be held more accountable for their policy activities, and have sought to find ways for the national parliaments themselves to play a more active role in EU politics. Opinion polls and national parties have increasingly been voicing concern about a missing link between domestic preferences and EU-level activity, a trend that has intensified since the beginning of the Eurozone crisis (De Vries, 2018; Hobolt, 2016). We seek to contribute to this debate by exploring the relationship between political interests at the domestic level and governments' legislative behaviour at the EU level. More specifically, we investigate the extent to which governments take into account their national parliaments when deciding on policies in the EU Council. EU governments have seen a reaction from national parliaments to the increasing Europeanization and politicization of EU affairs, and a large number of parliaments have stepped up their efforts to oversee their executives at the EU level (Rauh and De Wilde, 2018; Winzen, 2012). This happens both through parliamentary debates and in committee scrutiny of EU policies (Rauh and De Wilde, 2018; Winzen *et al.*, 2018). Therefore, it is clear that members of the legislature now have an incentive to challenge their governments, based on their political standpoint on EU matters, and are able to do so. Hence, we can expect governments to anticipate such challenges in the domestic arena and act accordingly at the EU level. Our measure for establishing the link between legislatures at home and executives' behaviour at the EU level is to explore whether governments send signals to their domestic audiences when recording policy positions in the Council's decision records. We thus looked at governments' votes and policy statements to analyse whether and how this formally recorded behaviour is influenced by the scrutiny of national parliaments and governments' standing in domestic politics.

Our findings are based on an original dataset covering all legislative decisions negotiated in the Council since the enlargement to Eastern and Central Europe in 2004. Our analysis focuses on the voting behaviour of the Council members, as well as their use of formally recorded policy statements. These statements take the form of a short text which governments can include in their decision records to clarify their policy position in connection with a vote. Taking into account both voting behaviour and the formally recorded policy statements, our empirical analysis is the most extensive investigation into formal legislative behaviour in the Council of over 25 Member States to date. Thus, these data are a valuable addition to negotiation research, which generally lacks data on often secretive international negotiations. For the first time we can investigate written statements in combination with voting data from the most important legislative body of the EU.

The article proceeds as follows. The next section discusses recent findings in the political science literature on voting and strategic signalling in international political systems. We connect this literature with the political and institutional context of government negotiations in the EU Council. In particular, we explain how an increase in the use of votes and formal records affects decision-making between governments, and has consequences for the way that individual governments position themselves. If government representatives know that domestic actors, including their national parliaments, are able to scrutinize their actions, they will take into account the way these records are perceived not only by their European negotiation partners, but also in the domestic political sphere. Previous studies have established that the institutional capacity of parliaments to monitor their government in EU negotiations is a precondition for taking up the debate about the

EU (Rauh and De Wilde, 2018; Winzen *et al.*, 2018). Our analysis in turn demonstrates how this capacity affects government negotiation behaviour at the EU level. Here, the assumption is that governments position themselves strategically in votes and formal policy statements in the EU Council in order to send signals to their national parliaments. We also argue that there is an increasing effect, such that *the more formal oversight powers national parliaments have, the more likely governments are to use votes and formal decision records in the EU Council to send signals to their domestic political audiences*. In addition, we suggest that apart from the effect of national parliaments' formal institutional powers, the government's standing in domestic politics is also of importance: *The more political pressure there is on a government in domestic politics, the more likely it is to use votes and formal statements in the EU Council to send signals to its national audience*.

In the fourth section we provide details regarding the research design and present our results. The final section concludes with a perspective on the implications for the ongoing political debates on national parliamentary oversight of governments' policy negotiations at the EU and international level.

I. Signals and Voting in the EU Council

We expect governments to engage in policy-making at the international level when it benefits them domestically (Keohane, 1984). Ambitions at the international level are shaped by the pay-off for the representatives and the interests they are there to represent, either directly or indirectly. Benefits to domestic constituencies can be either in the form of furthering interests – that is, welfare or a good – or in the form of protecting a status quo from external intervention. Such incentives can be characterized as policy-driven motivations. Governments' own motivations – their office-driven ambitions – may relate to benefits they can achieve in the international setting, or the pay-off they receive at home from a position they take internationally. Hence, the international relations literature often engages with decision-making in international fora as cases of 'signalling games' (Fearon, 1997), where actors seek to communicate to other states or to domestic audiences (Kertzer and Brutger, 2016) in order to gain in policy or office terms from this two-levelled game (Putnam, 1988).

An important domestic actor to take into consideration in this signalling game is a government's parliament. So far, the influence of national parliaments on foreign policy has received little attention (Hill, 2003) as both parliaments and voters are assumed to prioritize domestic affairs over foreign policy (Uscinski *et al.*, 2009). However, there is growing evidence that the influence of national parliaments on foreign policy and international negotiations has become stronger (Howell and Pevehouse, 2005; Kaarbo and Kenealy, 2016; Kesgin and Kaarbo, 2010; Martin, 2005). If so, this should be particularly pronounced in the EU Council, which deals with highly integrated policies that strongly impact on citizens' lives at the domestic level. In fact, a growing body of literature on parliamentary oversight in the EU (Auel and Höing, 2014; Winzen, 2017) has shown that the institutional power of national parliaments has increased in recent decades and varies between countries (Winzen, 2013). Moreover, stronger institutional power to monitor the activities of government motivates more debate in the national plenary (Winzen *et al.*, 2018) as a reaction to increasing Europeanization, and when opposition parties see a

chance to criticize the government, such as during EU summits (Rauh and De Wilde, 2018). Both the institutional capacity for monitoring, as well as the political situation inside parliament, are thus factors that we can assume influence governments' strategies and policy positions at the EU. Adding to previous work on the Council (Bailer *et al.*, 2015), we therefore argue that governments cater to stakeholders at the EU and national levels and that these are not only business actors or interest groups but also include their national parliaments. In other words, our expectation is that EU governments take into consideration and behave according to their standing vis-à-vis their parliaments and the parties represented within them. We expect this dynamic between parliaments and governments to be shaped by two elements: (1) the formal, institutional constraints imposed on governments by national parliaments and (2) the political standing of governments vis-à-vis other parties in the domestic arena. For example, if a government has a comfortable majority in parliament and is doing well in opinion polls, government representatives have more leeway and will be less concerned about signalling to domestic audiences (Palmer *et al.*, 2004). Conversely, governments that are under pressure at home will have more incentive to project themselves to their domestic audiences as competent leaders abroad.

Our idea that governments can use the political and legislative setting of the EU Council to their advantage in domestic politics has so far not been considered in detail in the EU political science literature. In fact, many studies of EU Council decision-making focus on the interstate bargaining that takes place between members, and approach the institution as a case of international diplomacy where governments negotiate through informal processes in 'corridor bargaining' and closed-door meetings (Hayes-Renshaw and Wallace, 2006; Kleine, 2013). Yet a number of significant changes have been introduced to the procedures of Council meetings since 1999, when decisions were first implemented to formally organize and publicly record legislative activities in the Council. Today, Council meetings follow detailed procedural rules, in particular when the Council meets in a legislative capacity (General Secretariat of the Council of the EU 2009). Hence, while closed-door bargaining is still a reality in the preparation of policy proposals, government representatives must now formally record their positions when finally adopting legislative acts. Information is also made publicly available on the agendas, attendance and final conclusions from deliberations in all Council configurations (see www.consilium.europa.eu and www.votewatch.eu). Quantitative analyses of voting records and decision records from the Council are therefore now both possible and relevant, as attested by the burgeoning literature.

Thus, a number of recent findings based on quantitative voting analyses has contributed to our understanding of what drives governments' behaviour in the Council. Bailer *et al.* (2015) find that the presence of strong economic domestic interests dictate when a government decides to vote "no" or "abstain" in the Council (see also Mühlböck and Tosun (2017)). Public opinion – in particular the public's attitude towards EU integration – has also been shown to have an effect in a number of core policy areas (Hagemann *et al.*, 2017). Others have found that a North–South or a North–South–East divide exists (Mattila, 2009), and that at times a left–right cleavage can also be detected (Hagemann and Hoyland, 2008; Mattila, 2004). Domestic adjustment costs to legislation (Arregui and Thomson, 2014) or negotiation dynamics (Smeets, 2015), such as support by other Member States (Fantini and Staal, 2017), also play a role.

Nevertheless, it is safe to say that despite these important analyses the literature is still inconclusive, and at times even conflicting concerning the motivators of government behaviour (Bailer, Mattila, Schneider, 2015). The only consensus so far appears to be that voting behaviour and coalition formation in the Council is an expression of a series of repeated games where patterns do appear, but where no permanent, stable positions are consistently confirmed over time and across all policy domains. In addition, it is clear that most existing studies do not consider any domestic political actors other than governments and voters (but see Auel and Höing (2014), Auel *et al.* (2015) and Puntischer *et al.* (2013) for recent qualitative work that considers national parliaments in Eurocrisis negotiations). The most notable exceptions are the studies by Finke (2017) and Stasavage (2004), which find that governments do not vote 'sincerely' in the EU Council, but instead seek to build reputations through their signals to domestic stakeholders (see also Schneider *et al.*, 2010, although they do not focus on voting in the Council). We follow this logic when we suggest that governments have an incentive to consider how their legislative records can be used in a broader context, rather than just relating to the policy positions they wish to convey to negotiation partners at the EU level.

The mechanisms of our argument are as follows: when governments choose a negotiation position in the EU Council, they have a strong incentive to follow the majority as there are few benefits in voting no or abstain against a carefully crafted majority proposal. Indeed, as legislation is set to go through in any case if a sufficient majority is supportive, opposition comes with the cost that the government will find itself excluded from having any influence on the final text of a proposal, as well as possible repercussions for its negotiation goodwill from other governments in future policy-making. Of course, if a policy is in direct contradiction of a government's interests, and is of some importance, other negotiating parties will find it understandable that even strong opposition is voiced at the negotiation table and in the final votes. However, governments are generally expected to adopt a spirit of collaboration and oppose only as and when necessary. Otherwise they risk being isolated and viewed as obstructive by their negotiation partners (Naurin and Wallace, 2008; Novak, 2013). Hence, the only reward governments may expect from adopting an opposing position in the Council is the clear and strong signal that such opposition sends to their respective audiences, both inside and external to the Council setting. Therefore, we assume, in accordance with other recent studies (see author, ; Toshkov, 2017), that recorded opposition in the Council is not necessarily intended to stop the decision-making process, as in most cases this will not be possible by a single government or a small number of governments at the stage of the final decision. Instead, the Council's decision records are seen as a tool through which governments strategically chose to signal to external stakeholders that they have taken a particular political stand in the EU setting. As national parliaments are the central national stakeholder, we expect governments to position themselves in votes and formal policy statements in the EU Council in order to direct such signals to their parliaments. We suggest that this has an increasing effect, such that the signalling will be particularly pronounced when governments know that their recorded positions are picked up on at home: national parliaments with extensive powers of scrutiny are more actively engaged in policy oversight of their government's actions in EU affairs than those that have fewer powers (Rauh and De Wilde, 2018; Winzen *et al.*, 2018). Increased oversight and control mechanisms in national parliaments should therefore motivate governments

to signal to these domestic actors more often. Hence, we propose the following hypothesis:

Hypothesis 1: The more formal powers national parliaments have, the more likely their governments are to use votes and formal decision records in the EU Council to send signals to their domestic political audiences.

In addition to the formal, institutional constraints imposed on the governments by their parliaments, it is likely that the political standing of the government also has an impact on its policy strategies in the international arena. Several domestic situations independent of parliamentary scrutiny procedures may motivate governments to react to actors in parliament more than they usually do in international negotiations (Cowhey, 1993). For example, this may occur when power is particularly dispersed in parliament, for example, due to a high number of parties (Laakso and Taagepera, 1979; Nyblade and O'Mahony, 2011), or if a government is in a vulnerable position as a minority government (Clare, 2010; Laver and Schofield, 1998; Oktay, 2014), it could be expected to more frequently show that it is responsive to its parliament by communicating political signals from the EU level. Lastly, governments may also increase this signalling game when they are under closer scrutiny during election time than at any other time in the electoral cycle (Blais and Nadeau, 1992; Rauh and De Wilde, 2018). We elaborate on each of these dynamics below. In sum, our second hypothesis is that

Hypothesis 2: The more the political pressure there is on a government from its national parliament, the more likely it is to use votes and formal statements in the EU Council to send signals to its domestic audiences.

A last step in our analysis is to dissect governments' behaviour further by comparing the votes with the signals that are transmitted through formal policy statements. As this project is the first elaborate study of the policy statements (see Hagemann, 2008), we have no firm evidence whether formal statements are made following the same logic as voting (see also for example, Lewis (2008) and Novak (2013) for discussions of the implications associated with votes and statements). Our assumption is that both votes and policy statements come in different categories, and can be ordered hierarchically in terms of their severity. A no vote in the Council is costly, as the legislation is set to be passed in any case, and voting no sets the government apart from the majority agreement. An abstention is less costly than a no vote but it is still unpopular with negotiation partners, as it works against the formation of the required majority. Yes votes come only with pay-offs in the negotiation process, as support for a majority position ensures governments retain influence on the final consensus agreement. We assumed that there are no costs associated with submitting formal statements, as they do not obstruct or benefit the passing of legislation. But having looked into the content of the policy statements (more below), we see that these also vary in terms of their positions vis-à-vis a majority agreement. Some appear as mere clarifications of a government's reasons for supporting a vote. Others clearly demonstrate concern with either part, or the whole proposal being voted on, and still others include outright disagreement with the act. They therefore appear to include additional and valuable

information on governments' policy positions, and we investigate whether they follow or differ from governments' voting patterns.

II. Data and Descriptive Analysis

Our empirical investigation relies on an original data set that covers all legislative decisions adopted in the Council between the enlargement to Central and Eastern Europe in May 2004 and the end of 2016. In the statistics presented below we analyse governments' decisions to vote yes, no or abstain in Council decision-making, as well as the use of formal policy statements in conjunction with these votes. In total, this provides us with 1,722 Council acts covering 45,869 country-vote observations for the 12-year period.

Our data confirm that formally recorded opposition in the Council remains a rare event, as noted in previous studies and discussed above. During the years 2004–16, in only 219 (12.72%) cases of 1,722 legislative acts did one or more countries vote against the majority. Adding abstentions as a form of opposition – as abstaining countries count against the mobilization of a majority – the level of recorded opposition rises to 404 (23.46%) cases. In comparison, formal policy statements are used more frequently. In 463 (26.89%) of the 1,722 acts, at least one formal statement was submitted by a country.

Looking further into this distribution, Table 1 shows the recording of votes and formal statements across the 45,869 country-vote observations. In total, the governments submitted 1,420 formal statements. Most of these (77%) were recorded when a country voted in favour of a decision, which is a result of the fact that most votes are yes votes. The remaining statements are about equally divided between opposing votes and abstentions, with 163 and 168 statements, respectively. Yet, looking at the differences in the proportions of formal statements across vote categories, we found that a country is substantially more likely to submit a formal statement if it has voted against or abstained from voting. While a country also submitted a statement in only about 2.5% of yes votes, those proportions increased to 31% when a country voted no, and to 35% if it abstained. In other words, in about one of three cases in which a country voted against the majority or abstained, it also submitted a formal statement. The higher rate of statements in conjunction with opposing votes may be a first indication that the formally recorded statements

Table 1: Voting Behaviour and Formal Statements in the Council, 2004–16

<i>Country's voting behaviour</i>	<i>Country made formal statement</i>				<i>Total</i>
	<i>No.</i>	<i>Row %</i>	<i>Yes</i>	<i>Row %</i>	
Voted in favour	43,902 (98.77)	(97.58)	1,089 (76.69)	(2.42)	44,991 (98.09)
Abstained	266 (0.60)	(61.29)	168 (11.83)	(38.71)	434 (0.95)
Voted against	281 (0.63)	(63.29)	163 (11.48)	(36.71)	444 (0.97)
Total	44,449 (100)	(96.90)	1,420 (100)	(3.10)	45,869 (100)

Note: Figures in brackets next to absolute numbers are row percentages; figures below absolute numbers are column percentages.

are used to state or justify a country's decision to oppose the majority – and we would like to know what drives this behaviour (for a distribution over time see Table S1 and S2 in the online supporting information).

To investigate further the purpose of the formal statements vis-à-vis the votes, we have coded the types of formal statements submitted by governments. Our variable 'type of statement' captures both whether a statement was made (0=no statement) and the sentiment of the statement (1=neutral, 2=positive, 3=concerned, 4=negative). From the 864 formal statements made by the EU governments in the period from 2004 to 2014, 28% were coded as neutral, and only 5.8% as positive, while 31.7% were concerned and 34.3% in a negative form. Examples of positive, concerned and negative statements can be found in Table S7

Looking at the use of formal statements in combination with the rejection of a proposal (abstention and no vote), we found that formal statements are not only used more often when governments agree with a proposal, but they actually seem to be a weaker form of opposition, as concerned and negative statements are most often used when agreeing with a proposal. Indeed, it appears as if governments use the statements to put on the record that they are either in direct disagreement, partly disagree or are concerned about a policy, but do not want to make a more pronounced rejection by voting against or abstaining from a vote (see Tables S2–S4 in the online supporting information). As per our hypotheses above, we assume these positions are used to signal to domestic political audiences that the governments have taken a stand in the EU Council setting. We therefore organized our data for a regression analysis of both the votes and of the formal statements to investigate the drivers behind this behaviour:

Variables

Our first dependent variable is a dummy variable, abstain or vote against, coded 1 if a country voted no or abstained, and 0 if it voted yes. Our second dependent variable is an ordinal variable to capture increasing opposition, which combines the votes and statements in order of hierarchy. This variable consists of 12 categories that range from complete support (a yes vote without a formal statement, coded as 0) to the strongest form of opposition (a no vote submitted in combination with a formal statement of outright disagreement with the proposal, coded as 11). Details of the coding can be found in Table S6.

The independent variables for our analysis are all obtained from external sources (described below). Unfortunately, some of these variables do not cover the time after December 2014 as data is not yet available. Therefore, we have had to make some adjustments to the Council data and confine our regression models to the years 2004 to 2014. This still leaves us with 1,513 decisions on Council proposals in which yes and no votes and abstentions were recorded by the governments. The result is a total of 27,737 observations for the Member States' voting behaviour, and 872 recorded policy statements.

Our main independent variables capture the national parliamentary factors discussed above. The first of these is provided by Winzen (2012), who has developed an encompassing cross-national and longitudinal measure of national parliamentary powers on EU legislation. We made use of this thorough instrument to investigate whether governments' positions at the EU level are influenced by these national parliamentary powers. Figure S5 shows the distribution of the parliamentary power index across countries.

Our second independent variable captures the distribution of bargaining power between parties in national parliaments, referred to as the ‘bargaining power fragmentation index’ (Anderson *et al.*, 2014). This index is similar to previous measures of the effective number of parties (Laakso and Taagepera, 1979), but considers not only parties’ relative weights in parliament but also their bargaining power, by including majority voting requirements (Nyblade and O’Mahony, 2011). The number of parties in parliament, and the distribution of bargaining power between these parties, is a frequently used measure for legislative fragmentation within legislatures and can be used to indicate divergence in opinions, level of conflict or stability. It also incorporates the idea that more than one opposition party can seek to criticize the government in the public plenary floor, so that more opposition parties may mean more chances for criticism.

A third variable is included for each government’s distance to the next national election (in number of days). This measure is inspired by the electoral budget cycle literature (Blais and Nadeau, 1992), and controls for the possibility that signalling to domestic audiences becomes more important as the next election approaches. Governments may perceive a greater incentive to explain their behaviour, and domestic stakeholders may pay greater attention to their government’s action in domestic, as well as international, fora when a general election is near. While Rauh and De Wilde (2018) have found that there is less debate about the EU during national election campaigns, we took this variable into account as our signalling game may be a more subtle game between government and parliament than taking up a plenary debate, as in the cited study.

Lastly, we followed the important findings from previous studies and took into account the political positions of the populations in terms of their pro or anti-EU attitudes, the left/right as well as the pro or anti-EU position of the governments. From Bailer *et al.* (2015), we furthermore included two variables to establish the effect of economic domestic interests on governments’ legislative positions: gross domestic product (GDP), and whether the country was a net recipient or contributor to the EU budget. We assumed that national parliaments may have a confounding effect on these economic interests, and have hence included them in our model both as separate independent variables, (Tables S10 and S11 in the supporting information online).

We report our results below. Summary statistics and sources of the dependent and independent variables are provided in Tables S8 and S9 in the supporting online information.¹

III. Results

Table 2 presents the results of two models. Model 1 is a logistic regression model using the ‘abstain or vote against’ dummy as the dependent variable. Model 2 is a linear regression, using as dependent variable the 12-point ‘increasing opposition’ measure.² As

¹In Section C we provide the results of models that include additional control variables. Among these are the presence of minority governments, whether or not a government holds the EU presidency, and whether there are strong economic interests in specific sectors (agriculture and the service sector). As more than 80% of the governments in our dataset are in a coalition, we did not control for coalitions. We have also estimated models that control for interactions between our key independent variables (parliamentary scrutiny and bargaining power), as well as between these two variables and the preference estimates (government left/right and pro or anti EU). None of these interactions had a significant coefficient. Finally, we re-estimated all models with fixed effects for policy areas, which did not substantively change our results.

²The estimation of standard errors in both models considers that vote decisions are clustered by proposals. We have also estimated models with document-level clustering of standard errors, which yielded almost identical results.

Table 2: Regression models of opposition in EU Council votes (model 1) and votes combined with statements (model 2), 2004–2014

	<i>Model 1 (logistic regression)</i>	<i>Model 2 (linear regression)</i>
	<i>Abstain or vote against</i>	<i>Increasing Opposition</i>
Parliamentary control index	0.396*** (0.125)	0.0609*** (0.0139)
Bargaining power fragmentation	0.122*** (0.0364)	0.0173*** (0.00462)
Days to next election (in 100 days)	−0.00507 (0.0113)	−0.00190 (0.00143)
Government left–right position	0.0348 (0.0318)	0.00972** (0.00392)
Government EU integration position	− 0.150*** (0.0486)	− 0.0289*** (0.00821)
EU integration position of population	− 0.0198*** (0.00424)	− 0.00277*** (0.000565)
Total number of non-approvals	0.941*** (0.0770)	0.360*** (0.0306)
GDP as rank	− 0.0864*** (0.0112)	− 0.0165*** (0.00191)
Recipient status of EU budget	− 0.620*** (0.133)	− 0.143*** (0.0247)
Constant	−2.741*** (0.443)	0.464*** (0.0763)
Observations	27,737	27,734
R-squared		0.058

*** $P < 0.01$, ** $P < 0.05$, * $P < 0.1$ Standard errors clustered by proposals in parentheses *Note:* Reference category for model 1 is 'vote in favour'. GDP, gross domestic product; integr, xxxx.

explained above, this more fine-grained measure orders the different ways of voicing consent and dissent in order to a more elaborate impression of the dynamics at play.³

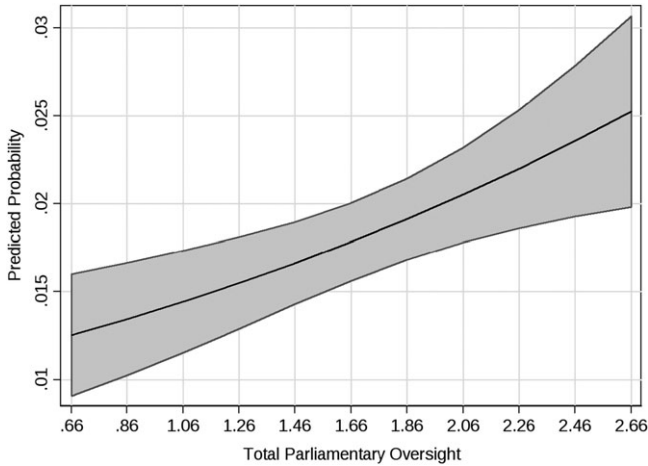
As expected, the results show that an increase in parliamentary oversight increases a government's likelihood of rejecting a proposal. Figure 1 illustrates the magnitude of this effect. While the overall probability of rejecting a proposal is relatively small due to its rarity, holding all else equal, in the sample the probability of rejecting a proposal more than doubles when parliamentary oversight increases from its smallest observed value (parliamentary control in Luxembourg and Belgium) to the highest value (parliamentary control in Denmark). The data therefore appear to support our proposition that governments are more likely to take a stand and record their disagreement in the EU Council the more formal scrutiny powers their national parliaments have.

Similarly, the bargaining power fragmentation index has a positive and significant impact on governments' likelihood of signalling discontent in the Council. This is the case both for the votes (model 1), and for the combined measure of votes and formal statements (model 2). This confirms our expectation that a higher level of national parliamentary contestation motivates governments to send signals to their domestic audiences. In fact, for model 1 the probability of rejecting a proposal becomes three times higher from the lowest values of the bargaining power fragmentation to the highest (for example, in Belgium).

Interestingly, the variable that measures the distance to the next election does not emerge as significant for either model. We had expected the elections to be of significance, but perhaps the effect— if any exists — is more limited and similar to the findings reported in Hagemann *et al.* (2017). These authors found that governments are more

³We have estimated an ordered logic model, which leads to substantially identical conclusions. For simplicity of interpretation, we here report the results from the linear regression model.

Figure 1: Predicted probabilities for vote rejection conditional on total parliamentary oversight. Estimated from logistic regression model with all other variables held at their mean values.



likely to oppose the majority in the Council in response to public opinion only in areas that include decisions to expand the EU powers further.

For the remaining variables, several findings already discussed in previous studies are confirmed. As for domestic political variables, both the governments' and the public's support for the EU are significant, while the governments' left–right political orientation also has an impact on their behaviour in model 2. In addition, the overall economic power of the countries (here measured with the ranking order of their GDP) and their EU budget recipient status have the expected negative effect: the less affluent countries, and countries that benefit from the EU budget do not voice opposition in the Council as often as those with a higher GDP. Lastly, we find that the overall level of contestation of a proposal also contributes to the likelihood of a government rejecting a proposal. This may be because some proposals are simply more contested and thus lead to more opposition, although the effect of such opposition can be costly if the result is that the proposal fails to meet the decision threshold.

To dissect these results further, we now turn to a multinomial logit model for our three categories of statements: the neutral, positive and negative statements.⁴ As above, details of the coding statements can be found in table B1 in the supporting information online. Table 3 presents the results and shows that parliamentary oversight has a positive and statistically significant effect for submitting a statement, but only for the negative statements. There is no effect for neutral and positive statements, making it clear that these records are used less strategically with respect to the national parliaments.⁵ The magnitude of this effect is illustrated in Figure S6 in Section A. The results also show that, in contrast to our findings above, the closeness to next election does increase the likelihood of submitting a statement, but this is only the case for negative statements and not the others. Again, this could mean that the statements serve a purpose for governments vis-à-vis domestic

⁴As above, details of the coding of the statements can be found in Table S7 in the supporting information online.

⁵The magnitude of this effect is illustrated in Figure S6 in Section A.

Table 3: Multinomial logistic regression of policy statement type in the EU Council, 2004–14

	<i>Type of statement</i>		
	<i>Neutral statement</i>	<i>Positive statement</i>	<i>Opposing statement</i>
Parliamentary control index	0.179 (0.156)	0.398 (0.425)	0.352*** (0.125)
Bargaining power fragmentation	-0.00326 (0.0416)	0.106 (0.124)	0.0317 (0.0283)
Days to next election (in 100 days)	-0.00767 (0.0157)	0.0158 (0.0360)	-0.0244** (0.0113)
Government left right position	-0.0162 (0.0403)	-0.0491 (0.0883)	-0.00928 (0.0257)
Government EU integration position	-0.107 (0.0656)	-0.371** (0.177)	-0.0574 (0.0476)
EU integration position of population	0.00433 (0.00659)	0.00926 (0.0103)	-0.0110*** (0.00378)
Total number of non-approvals	0.652*** (0.158)	0.530*** (0.177)	0.715*** (0.0808)
GDP as rank	-0.275 (0.232)	0.370 (0.474)	-0.806*** (0.169)
Recipient status of EU budget	-3.995*** (0.670)	-5.697*** (1.391)	-2.578*** (0.400)
Constant	-0.0658*** (0.0172)	-0.0395 (0.0459)	-0.0961*** (0.0121)
Observations	27,737	27,737	27,737

*** $P < 0.01$, ** $P < 0.05$, * $P < 0.1$ Standard errors clustered by proposals in parentheses *Note*: Reference category is 'no statement'. GDP, gross domestic product; integr, integration.

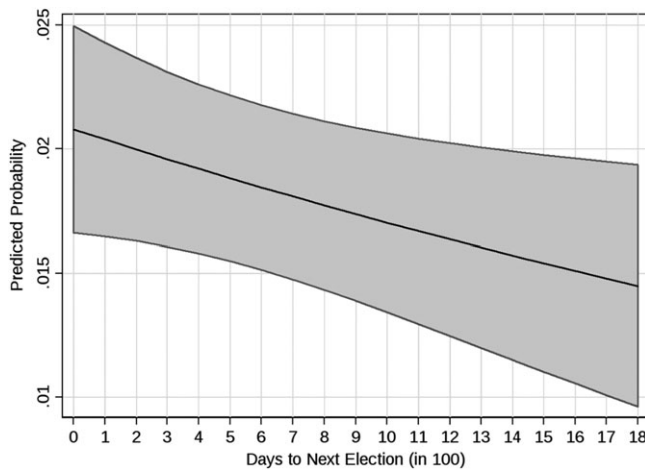
audiences, although here it appears as if this is only when they wish to record their disagreement. Nevertheless, in these cases the effect is rather strong: governments at the beginning of their term – which are 4–5 years (max 1800 days) away from the next election – have the smallest probability of submitting a negative statement (compared with submitting no statement), but this probability more than doubles for governments only days or weeks away from the next election (see Figure 2).

The rest of our findings from Table 3 are as follows. The bargaining power fragmentation index does not emerge as significant for any of the categories of statements, which means that we can conclude this only has an effect for the governments' voting behaviour or voting behaviour combined with the formal statements (Table 1), but not for the individual categories of formal statements taken in isolation. On the other hand, governments' left–right political position plays a role for the negative statements, but not for the other types, and this is also the case for the public's support for the EU and the country's position as a recipient or contributor to the EU budget. Therefore, these variables all follow the same pattern as those reported for the votes. Conversely, the variables that capture governments' pro or anti-EU stance only emerge as significant for the positive statements. A country's GDP ranking has an effect on neutral and opposing statements, but not on positive statements. Only the measure of the total number of oppositions on a proposal is significant for all three categories.

In sum, it appears as if the formal statements serve a distinct purpose for the governments and that it makes sense to think of them in terms of severity. Many of the variables that were significant for a government's decision to oppose the majority in the votes appear to follow the same logic as opposing statements, while the neutral and positive statements are much less driven by our external predictors.⁶

⁶This holds true for the political and economic variables included in our model as well as for the additional control variables highlighted in previous studies.

Figure 2: Predicted probabilities for submitting a negative or concerned statement (combined into the category opposing statement) conditional on days away from next election (in 100 days), estimated from a multinomial logit model with all other variables held at their mean values.



Conclusion

The literature on government behaviour in international organizations has only recently started to pay attention to the role of national actors and institutions. While a number of influential studies have highlighted the two-levelled structure of international decision-making, no systematic evidence has been presented with regard to how the two levels – domestic and international – do in fact impact on each other with regard to governments' policy positions and strategies.

This article has argued that when acting at the international level, governments have incentives to appear responsive to domestic audiences while attempting to find solutions to the policy challenges on the table. In other words, they do not act in isolation from domestic institutions and political pressures, but may in fact seek to cater to those actors from the international arena. Focusing on the EU's primary legislative body, the Council of the EU, our results demonstrate that governments indeed act strategically when considering how to position themselves on legislative proposals. The legislative decision records show that contestation has increased in the Council over the past few decades, while our analysis also makes it clear that decision-makers use the formal recording of their positions to send signals to external actors rather than solely convey policy preferences to fellow negotiators.

We shed light on the dynamics between the EU executives and legislatures by demonstrating that national parliaments with more formal powers produce more policy statements and recorded opposition to legislative proposals at the EU level. When a national parliament has extensive competences to scrutinize and amend government policies, governments are more likely to oppose the majority in the EU Council and record their positions in formal policy statements following the adoption of an act. This links previous findings on the reasons for EU debates in national parliaments (Rauh and De Wilde, 2018; Winzen *et al.*, 2018) to the EU negotiation table and demonstrates that governments

act to preempt potential criticisms from their powerful legislatures of the legislature. Government behaviour in the EU Council is also conditioned by the degree of political fragmentation in their parliaments, and to some degree by the proximity to national elections. They are more likely to take a public stand against the majority and record formal policy statements when they are constrained in their domestic political arena and fear criticism of already agreed compromises at the EU level.

However, we see a difference in the kinds of signals that governments appear to send through the legislative records. Rejecting the majority in voting can be considered a strong signal, as there may be costs associated with being excluded from influencing the final text of a majority agreement. On the other hand, recording policy positions in formal statements does not come with such a cost, but can still make it clear that a government has substantial concerns about, or is in outright disagreement with a decision. We found that these statements are therefore less severe, but are nevertheless a relevant signalling tool for government representatives.

Our analysis stops short of establishing the extent to which this form of government responsiveness to parliamentary scrutiny is also noted by domestic actors, and in particular whether national parliaments and their committees actually pay attention to the EU votes and decision records. However, several extensive and rigorous accounts exist with regard to these questions (Auel and Höing, 2014; Gattermann and Heftler 2015; Hoerner 2017). Based on these authors' findings – that parliaments vary greatly in terms of both the formal and actual scrutiny activities of their governments – we remain convinced that the scrutiny activities carried out by national parliaments on governments' activities in EU affairs can indeed explain our results above. Governments have incentives to cater to the national political actors in their parliaments, as voting records and Council documents are an integrated part of scrutiny procedures in many domestic parliaments. In this way, our findings provide an important starting point for understanding the link between national parliaments and governments in the EU by going beyond the received wisdom that EU negotiations are conducted behind closed doors. They point to an important connection between government ministers and national democracies in European affairs that has so far not been explored in the literature. This approach, and our resulting findings, may very well be relevant to other international contexts too. To what degree should we consider domestic institutional and political constraints as defining for the bargaining space governments operate within at the international level, and when should we expect governments to engage in signalling games to domestic audiences in a supranational context? Our analysis indicates that domestic politics and institutions matter, and in particular that government representatives are responsive when parliamentary control increases over legislative policy decisions taken outside of the domestic sphere.

Correspondence:

Stefanie Bailer, Department of Political Science, University of Basel, Bernoullistrasse 14/16, CH-4056 Basel, Switzerland
email: stefanie.bailer@unibas.ch

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Supporting Information

Additional supporting information may be found online in the Supporting Information section at the end of the article.

Figure S1. Formal Statements, 'No' Votes and 'Abstentions' Per Year, 2004–16.

Figure S2. Legislative Acts Adopted in the EU Council 2004–16.

Figure S3. Number of Opposing Votes and Formal Statements by Country.

Figure S4. Distribution of Opposing Votes and Formal Statements in the EU Council 2004–16.

Figure S5. Distribution of National Parliamentary Strength Across Countries.

Figure S6. Predicted Probabilities for Submitting a 'Negative' or 'Concerned' Statement (Combined into the Category 'Opposing Statement') Conditional on Total Parliamentary Oversight, Estimated from a Multinomial Logit Model with All Other Variables Held at Their Mean Values.

Table S7. Examples of 'Positive', 'Neutral', 'Concerned' and 'Negative' Statements

Table S8. Coding of Variables and Their Sources

Table S9. Summary of Dependent and Independent Variables

Table S10. Regression Models of Opposition in EU Council Votes (Model 1) and Votes Combined with Statements (Model 2) Including Additional Control Variables, 2004–14

Table S11. Multinomial Logistic Regression of Policy Statement Type in the EU Council Including Additional Control Variables, 2004–14