

Summary

This study probes the way in which the use of the qualified majority voting has developed in the Council of the European Union. The investigation begins with the Single European Act, which expanded the field of decision making by qualified majority in an effort to facilitate the adoption of the directives concerning the Single Market. Quantitative data and interviews with members of the Council point to unexpected continuity.

- The number of legislative acts adopted despite negative votes and abstentions was low throughout the period investigated (on average, less than a quarter of the documents requiring a qualified majority).
- Yet the search for a qualified majority rather than for universal agreement is the driving force behind negotiations. The negotiators' main goal is to determine whether or not there is a blocking minority against any given decision. The existence or the absence of such a minority determines the moment when the presidency of the Council proposes a document's adoption. Today as in the past, concern over effectiveness explains why the presidency resorts to the use of a qualified majority as a weapon of dissuasion towards negotiators who fear ending up in a minority.

- Despite this, the minutes of these Council meetings point to a low opposition and abstention rate, because ministers who fail to gain satisfaction tend to rally to the majority once they know that a measure is going to be adopted.
- The publication of votes, which began in 1993, has not put paid to this strategy. Most decisions are taken by the preparatory committees that prepare Council meetings (Coreper and Special Committee on Agriculture), but the measures have to be officially adopted by the Council of Ministers, which gives the member states the opportunity to rally to the majority between the time a measure is unofficially agreed on and the moment it is officially adopted.
- However, ministers of member states in which there is stringent parliamentary oversight cannot avail themselves of that opportunity. Thus it is going to be necessary to assess the extent to which the increase in national parliaments' role laid down in the Treaty of Lisbon has a practical impact on voting in the Council.