

The Effects of Ministerial Turnover on the Vertical Articulation of Power in the Council of the EU

Lauren K. Perez
University of Pittsburgh
lkp13@pitt.edu

John A. Scherpereel
James Madison University
scherpja@jmu.edu

Abstract

This paper seeks to determine how high levels of turnover at the apex of the Council of the European Union affect the relative strength of ministers and bureaucrats in the Council system. We test two rival hypotheses. One hypothesis, based in the general political science literature on legislatures, suggests that high rates of turnover will empower bureaucrats. A second hypothesis, based on previous studies of ministers and bureaucrats in the Council, implies that high rates of turnover will increase uncertainty and drive up ministerial involvement. The paper begins by presenting descriptive statistics on ministerial turnover in the Council. It shows that, by any metric, rates of Council turnover are very high. We then present a statistical model that gauges the effects of turnover on the level where decisions are made in the Council system. We find support for the classical comparative hypothesis—higher levels of turnover are associated with lower levels control by nominal principals. This finding generates new insights into Council dynamics and informs debates about the nature and conditions of accountability in the EU.

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The Council of the European Union stands at the center of Europe's decision-making process and generally enjoys a dominant position vis-à-vis the European Parliament and the European Commission (Thomson 2011). In recent years, steps have been taken to increase the transparency of the Council system. Studies have begun to throw light on (a) horizontal patterns of interaction within the Council (e.g., how member-state representatives relate to and influence each other), (b) horizontal patterns of interaction within the broader EU system (e.g., how the Council relates to and interacts with the Commission and the EP), and (c) vertical patterns of interaction within the Council (e.g., how higher levels of the Council hierarchy relate to and interact with lower levels of the Council hierarchy).

There is still much to learn, though, about the Council and its dynamics. In comparative perspective, it remains a strange institution. The Council carries out both legislative and executive functions. Even when the Council is operating in a clearly "legislative" mode (e.g., when ministers are sitting around a table, debating a proposal from the Commission or a set of amendments from the EP), the principals who are debating have gained their spots at the table, not directly, through the ballot box, but by virtue of their respective positions in national executive office. While the Council is increasingly portrayed as a kind of upper legislative chamber, it is clearly different, in terms of composition and history, than most national senior chambers. Upper chambers are usually designed to promote a modicum of stability and continuity. The Council, on the other hand, is rather frenetic and protean, at least at its apex. Member states operate according to different and generally unpredictable electoral calendars. Ministers serve at the discretion of heads of government. Heads of government can fire ministers quite easily, and, in some states, individual ministers can be brought down by parliamentary

confidence votes. Readers of the *Official Journal* could be forgiven, in addition, for thinking that “the Council,” like other legislatures, consists of a finite number of members that meets, with some frequency, in grand plenary. In reality, the Council is divided into sectorally specific configurations. Some configurations meet very frequently; others meet only twice or three times each year. What is more, member states face few legal limits on which specific ministers they can send to particular configurational meetings, and the Council has never once met in a grand plenary. Finally, ministers’ Council duties are definitionally additional to other official duties; those duties are based in and dispatched from national capitals.

Because of the flux and complexity that constitute the apex of the system, the Council depends heavily on its lower levels—on bureaucrats in working groups and permanent representatives in senior committees (e.g., COREPER). But just how much does the Council depend on these lower levels? Under which conditions do bureaucrats in the Council system have real decision-making power? As Häge (2007, 2008, 2011a, 2012) has noted, the answers to these questions have important normative implications. The Council is often portrayed as a bulwark of national and democratic control. Much of the EU system’s input legitimacy rests on the idea that citizens, acting through national legislators, can hold ministers accountable for the decisions they make at home and/or in Brussels. If bureaucrats decide on the Council’s behalf, however, democratic control is weakened. For this reason, it is vitally important to understand the relative power of bureaucrats and their ministerial “masters” in the Council and to investigate the conditions that affect the vertical articulation of authority within the Council system.

This paper tests a theoretical proposition that derives from the general comparative politics literature on legislatures. Specifically, we test the notion that legislatures that are characterized by high levels of turnover will heavily rely on bureaucratic staffs. Staffs, in this

view, are repositories of institutional knowledge, and flux at the level of political “principals” empowers nominally subordinate but actually advantaged “agents.” We contrast this notion with a rival hypothesis that is implied by the more focused work on the Council. Häge (2012), for example, suggests that legislative staffs (e.g., Council bureaucrats) are unlikely to make decisions when they know little about the preferences of their ministers (and when ministers know little about bureaucrats’ preferences); insofar as turnover increases agents’ uncertainty about preferences, we would expect high turnover to decrease bureaucratic discretion.

We test the rival hypotheses by analyzing a new database of ministerial turnover in the Council. We begin by discussing our data and demonstrating that very high levels of ministerial turnover characterize the Council. Next, we develop the two rival hypotheses in detail. We then present a statistical model that seeks to determine whether turnover decreases or increases ministerial control in the Council. We find support for the classical comparative hypothesis—higher levels of turnover are associated with lower levels control by nominal principals. We conclude by discussing the broader implications of this finding and discussing further questions and future research trajectories.

Turnover at the apex of the Council system

In most national political systems, ambitious politicians pine for ministerial seats. Ministerial office vests incumbents with high visibility and often enables discretion over the distribution of influence. But ministerial seats are generally “hotter” than legislative seats; the average legislator’s term lasts longer than the average minister’s term. Legislators are often able to rebuild credibility in the interim between a political mistake and the next election. Ministers

lack such a luxury. Rather, they serve at the mercy of their respective heads of government and may be replaced quite easily. This structural situation, in combination with the fact that the Council system's principals are national ministers, suggests that levels of turnover among the Council's principals will be higher than levels of turnover among members of other legislatures.

But how much higher? Despite the profusion of strong, empirically based studies of the Council and the centrality of the notion of turnover in the general literature on legislatures, the field has not yet answered this question. To address this data gap, we have constructed a monthly database of EU ministers that stretches from April 2004 (when rules setting up the current system of configurations came into operation; see Council Decision 2004/38/EC) through May 2012. Data for states that were not EU members on 1 April 2004 begin on the date that those states acceded to membership (1 May 2004 for EU-10; 1 January 2007 for Bulgaria and Romania). Data on ministers' names come from the CIA's monthly *Chiefs of State and Cabinet Members of Foreign Governments* reports. We code ministers according to sectoral Council configuration. We do not consider the General Affairs Council in our calculations, and national ministers whose portfolios do not align with any Council configuration are coded as "other" and excluded. Our database contains 45,534 rows; each row is dedicated to an individual serving in a position that relates to a configuration in a particular month.

The general comparative literature suggests that the best way to determine turnover rates is to compare the composition of a legislature at two points in time, t and $t+1$, where t is the first plenary session after an election and $t+1$ is the first plenary session after the subsequent election. Scholars have used this method to determine turnover rates in national legislatures and in the EP. Observed turnover rates vary across countries, institutions, and temporal periods (see Table 1).

The average rate of turnover for national legislatures in EU-15 states from 1979-1994 was 33 per cent. The average rate of turnover for the EP between 1979 and 2009 was 44.5 per cent.¹

--- VIEW TABLE ONE ---

It is impossible to apply the conventional measurement method to the Council, since the Council's 'legislators' are delegates from national governments, and since member states have different electoral calendars. Here, however, we outline four alternative ways of measuring Council turnover. The observed turnover rate varies, of course, according to the way it is defined. Measurements that use shorter temporal periods have lower rates of turnover than measurements that use longer temporal periods. By almost any measure or standard of comparison, though, rates of Council turnover are strikingly high.

A first measurement strategy involves borrowing from the broader EU system. Although the Council's session structure differs from the Parliament's, the five-year term (e.g., 2004-09, 2009-14) plays a significant role in structuring EU politics. Every five years, EP elections take place, and a new Commission takes office. In addition, at least one member state (Luxembourg) has a national election cycle that coincides with the EP election cycle, and a number of member states have held a national general election on the same day/s as EP elections on a one-off basis. Table 2 demonstrates that levels of turnover in the Council are very high within these five-year spans. Of the 370 ministers who oversaw Council business at the time of the first post-2004 EP plenary, for example, only 26 (7 per cent) remained by the time of the first post-2009 EP plenary. Thus, across a five-year span, the Council's turnover rate was 93 per cent. Table 2 suggests that

¹ EP turnover was calculated using MEPs' names and dates of service from the European Parliament's website.

² We weight power according to the Shapley Shubik Index (SSI), which measures the number of possible voting sequences in which an actor would be the pivotal player (e.g. the player who casts the deciding vote) (Shapley and

specific configurations contributed in relatively proportional fashion to the overall trend. The standard deviation among configurations was less than four percentage points; no particular configuration was immune to high levels of turnover.

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Two other measurement options approach the Council on its own terms. In 2006, the Council established new working rules (2006/683/EC, Euratom), which sought to promote continuity in the institution's work programme by formalizing coordination among successive holders of the Council's six-month rotating presidency. Practitioners had long opined that the six-month presidency, while politically understandable, was practically disastrous. It was very difficult for presidency states (particularly small states) to frame priorities and finalize negotiations within a six-month term. To address these and related problems, the 2006 rules established "trios," which bring together three successive presidency states. While presidency states continue to champion their own causes, they also work with trio partners to produce trio work programmes. Thus, while the six-month period remains an important temporal marker of the Council's work, it is worth determining how much turnover takes place within trio periods. After all, high levels of personnel churn during trio periods could undermine the continuity that the trio system has been designed to promote.

Table 3 presents data on turnover rates within trio periods. In addition to the three complete trio periods that have elapsed since January 2007, we report data from a "virtual trio period" (July 2005-December 2006) that immediately preceded 2007. Table 3 shows that, on average, the Council loses half of its legislators over the course of a trio period. This high rate

has important implications: even if trio countries cooperate effectively, even if trio priorities are ably communicated at the outset of a trio period, it is likely that half of the principals to whom trio priorities are addressed will be absent by the end of the trio period.

--- VIEW TABLE THREE ---

A third measure of Council turnover involves looking at presidencies themselves. Traditionally, the six-month rotating presidency has been an important organizing principle for Council business. One might expect personnel churn to be relatively minimal within such a short span of time. The data, however, suggest otherwise. The figures in Table 4 report averages of configuration-specific turnover rates for each presidency period. We began, to clarify what this means, by calculating the amount of turnover that took place within the Foreign Affairs Council during the Dutch presidency, which took place in the second semester of 2004. This rate (24.6 per cent) was then averaged with the other eight configuration-specific turnover rates for the same period. The average configuration lost almost 21 per cent of its incumbents over the course of those six months. The overall average rate within a presidency, between 2004 and 2012, is 17.39 per cent: more than one of every six national ministers involved in the conversation at the beginning of a presidency will no longer be in the conversation at the end of a presidency.

--- VIEW TABLE FOUR ---

In addition to the three methods already discussed, we might (finally) measure turnover by applying Hibbing's (1999) average annual measurement. Hibbing suggests that researchers

interested in turnover are best served by taking annual stock of the phenomenon. Table 5, which considers all configurations together, shows that the Council has an annual average turnover rate of 34.92 per cent, which contrasts with the national legislative average (9.99 per cent) and the EP average (8.91 per cent) reported in Table 1. Our Council figure may be slightly underestimated; individuals who transfer from one configuration to another (as would happen if, say, a person serving as education minister in year one was serving as foreign minister in year two) are counted as “retained.” Our configuration-specific calculations would count such individuals as having left the configuration.

--- VIEW TABLE FIVE ---

To summarize: on all plausible measures, the Council experiences very high levels of turnover. Compared to national legislatures and to the EP, the Council is distinguished by its persistent personnel flux.

The effects of high Council turnover: rival hypotheses

There is a significant literature on the implications of personnel turnover in legislatures for institutional performance and system legitimacy. On one hand, low levels of turnover are normatively problematic, especially (if not exclusively) in democracies; with little elite circulation (Pareto, 1961), citizens become alienated from decision-making processes and effectively cede political control to an entrenched class of unaccountable rulers (Katz, 1997). In addition, systems with very low rates of turnover tend to lock particular groups (e.g., women,

minorities, ascendant social classes) out of power. This “lockout” poses a long-term threat to systemic legitimacy and performance (Pareto, 1961; Norris and Lovenduski 1995, p. 197).

In the current case, though, the question involves the implications of very high turnover rates. The literature identifies numerous pathologies that can be caused by high turnover. Most of the problems are related to the fact that modern governance is a complex process that requires interpersonal trust, technical skill, familiarity with written and unwritten rules of the game, and deep reserves of institutional memory. It takes time for legislators, no matter how deft they are as politicians, to accrue these resources. In Hibbing’s (1991, p. 180) words, “increasing tenure is strongly and positively related to legislative activity as well as the legislative specialization and efficiency. Tenure in and of itself helps members to be focused and successful legislative players.” When legislators come and go with great frequency, they fail to accrue these resources.

As a result, transient legislators fall prey to more experienced operators elsewhere in the governing system – in the executive branch, for example, and/or in less legislative bodies with lower rates of turnover (Atkinson and Docherty, 1992; Francis and Baker, 1986; Niemi and Winsky, 1987; Rosenthal, 1974; Shin and Jackson, 1979). In other words, high turnover facilitates the horizontal dispersion of power—the unintentional ceding of power from high-turnover institutions to more stable institutions.

Here, however, we are most interested in the implications of turnover for the vertical dispersion of power. Generations of political scientists have remarked on the ways that high turnover empowers lower, less visible, less accountable layers of the legislative apparatus. These theoretical concerns have come out most clearly in debates about legislative term limits (which, effectively, are institutional rules designed to promote high turnover). The “cosmetic carousel” at the top of term-limited systems, on this view, generally empowers gray eminences (Rosenthal,

1992). Writing against the prospect of term limits in the US Congress, for example, Nelson Polsby (1993) wrote:

“So in the end, congressional term limits merely empower lobbyists, congressional staff, bureaucrats, presidents, journalists, all those upon whose experience and guidance an inexperienced Congress would have to depend. Reducing the strength and the competence of Congress reduces the legitimacy of all the acts of government over which Congress is entitled to express an opinion. Given the diversity of people that our Constitution is required to serve, anything that reduces the legitimacy of our government strikes at our capacity to govern ourselves” (Polsby, 1993, p. 101).

Politicians and bureaucrats have also remarked on the ways that turnover caused by term limits pushes power “downward” toward legislative staff members and bureaucrats. The first quotation below comes from the speaker of the House of Representatives of Massachusetts, who is speculating about the likely effects of turnover. The second comes from a former politician in Maine who was forced from office by a term limit and subsequently took on a senior staff position in the chamber where he used to serve:

(1)

“[Staff members] will be the only institutional memory that’s available, and it will be inevitable that [their] influence would rise . . . No matter how honest and bright and hard-working staff may be, legislators themselves have the primary responsibility, and, therefore, I just see this whole areas as really enshrining, if you will, legislative staff to

the detriment of the legislature as an institution. They are not subject to the same checks and balances and restraints that impose themselves upon [legislators]” (quoted in Carey, Niemi and Powell, 2000, p. 80).

(2)

“I think the fact that you don’t have people who have long tenure and have learned all the tricks of the trade means you’re going to have committee chairs that aren’t quite as strong. You’re going to have departments and agencies of state government that will be able to be more effective in what they want because the chair has less experience . . . To be quite frank with you, this position that I hold, in the old days, wouldn’t have been participating in some of the meetings that I’ve had to participate in of late, because we have leadership that don’t know the ropes, and I have to step in and tell them what the tradition is” (quote in Carey, Niemi, and Powell, 2000, p. 81).

These observations all suggest that while high turnover pushes power “outward,” it also pushes power “downward.” In the case of the Council, such downward movement would involve increased decision-making activity by working groups and senior committees like COREPER I, COREPER II, and the Special Committee on Agriculture (SCA). This intuition supports the first hypothesis:

H1: The higher the level of ministerial turnover in the Council, the more likely it is that a Council decision will be made by committees.

In terms of microfoundations, H1 makes particular assumptions about relationships between European ministers and their bureaucratic deputies in Brussels. EU politics is a technical and heavily networked enterprise, and the learning curve for ministers, who are often (but not always) accomplished politicians in their home states and often (but not always) relative neophytes in the EU, can be significant. Upon entering the Council system, ministers may choose to take up issues themselves or to leave negotiations and deal-making to their deputies. H1 assumes that configurations with high turnover will have less collective confidence in their own mastery of a dossier than they have in their experienced deputies' mastery of the dossier. Thus, they will leave decision-making to the deputies, who themselves tend to have more experience in the *Quartier Européen*.

There is an alternative hypothesis, however, which rests upon different suppositions and microfoundations. The latter hypothesis draws from the work of Frank Häge, who has studied the vertical distribution of power in the Council in great detail without explicitly engaging with the possible effects of turnover (e.g., Häge, 2011a; Häge, 2012; Häge and Naurin, 2013). Häge (2011a) develops a formal model of bureaucratic motivation that hinges on the notion of uncertainty. In this context, "uncertainty" involves bureaucrats' lack of confidence in the position of their respective ministers. According to Häge, bureaucrats in the Council system are vertically and narrowly oriented. They are vertically oriented in the sense that they look perpetually upward, gauging where their respective ministers stand on the policy dossiers that the Council is discussing. They are narrowly oriented in the sense that their upward gaze is restricted to their "national silo;" they are not particularly concerned with political developments in other member states, and they are not particularly attentive to the question of whether old ministers

from other states are exiting or new ministers from other states are entering. They are attuned to issues of turnover, but only insofar as turnover takes place within their particular state.

Häge's model assumes, furthermore, that bureaucrats are ultimately concerned with being censured or blamed by their respective ministers. A bureaucrat's decision about how to behave in the Council system rests on her levels of certainty about the degree of convergence between her sense of what her state's position should be, on one hand, and her minister's sense of what her state's position should be, on the other. Although Häge does not explicitly discuss the implications of turnover for relative levels of uncertainty, it is clear that turnover increases uncertainty. Bureaucrats may have developed strong working relationships with previous ministers. When a new minister enters office, accumulated understandings between ministers and bureaucrats dissipate.

In this situation, a blame-averse bureaucrat should be more hesitant to commit her state to a particular position and more likely to pass decisions up the chain of command. Her fear of making the "wrong" decision (and of being censured by the new boss) will encourage her to impose the (relatively low) time-cost of referring a dossier upward to the ministerial level.

It is worth stressing, in this regard, that the same kinds of considerations would affect new ministers' approach to their respective bureaucratic staffs. Upon taking office, new ministers may know few of the bureaucrats who are working beneath them. They will lack the stocks of trust and/or understanding that accumulate with time and will be more likely, at such moments, to decide matters themselves. These considerations lead to a rival second hypothesis:

H2: The higher the level of ministerial turnover in the Council, the less likely it is that a Council decision will be made by committees.

Data and model

In order to test the rival expectations embodied in these two hypotheses, we develop a logistic regression model that helps predict when ministers will discuss a piece of legislation themselves rather than leaving it up to the preparatory committees. We test this on the pieces of legislation included in Thomson et al.'s Decision-making in the EU II (DEUII) dataset (Thomson et al., 2012). The DEUII dataset brings together information from interviews with participants in EU policy-making processes, including actors from the Council, the European Commission, and the European Parliament.

We use these pieces of legislation because the dataset contains unique information about various actors' preferences and levels of saliency. Thomson et al. asked the actors to identify controversial issues in specific legislative portfolios and then to locate various actors (including each member state's delegation, the Commission, and the Parliament) along a numerical scale between 0 and 100. The scale's poles (0,100) represent extreme views on the issue at hand. The authors also asked interviewees how salient they perceived the issue in question to be to each actor; again, the scale ranged from 0 to 100.

The dependent variable codes for whether the legislation was discussed as a B point during the Council's final interaction with the piece of legislation. B points are those that the ministers actually discuss in detail, whereas A points have been agreed upon at the bureaucratic level and are simply voted on as a block at the beginning of ministerial meetings. Häge (2012) suggests that the two potential ways to code this variable are to either code for whether the legislation was ever discussed as a B point or whether it was discussed as a B point during the final negotiations. We choose the latter because all of the legislation in our sample, except for

one piece, was discussed as a B point during the legislative process. We code this based on the data (Häge 2011b), which pulls basic information on legislation from the European Commission's PreLex database. For each time the legislation is dealt with in the Council, PreLex records whether it was discussed as an A or B point. Thus, our dependent variable is a dichotomous variable that codes for whether or not the legislation appeared as a B point the last time the Council dealt with it. The variable takes a value of "0" if it did not appear as a B point the last time the Council dealt with it; it takes a value of "1" if it did appear as a B point.

Our key independent variable is ministerial turnover. To operationalize turnover, we incorporate annual turnover within each configuration. Since the EU legislative process takes more than one year to complete, we use the turnover rate for the date of the final negotiations in the Council on each issue. This rate should be what is most present in the minds of ministers and bureaucrats as they decide who should make the final decisions about a piece of legislation. Annual turnover is measured between May of one year and May of the following year. Thus, if the Council's final action occurs between May 1, 2004 and April 30, 2005, turnover is operationalized as the amount of turnover that occurred in that configuration between those two dates.

We also include a series of other variables that might affect whether a piece of legislation's final appearance before the Council is as a B point. These variables are similar to the measures that Häge (2012) employs in his model of whether legislation is ever discussed as a B point. The first such variable is preference divergence among the member-states. When there is more disagreement among national preferences, one would expect the legislation to be dealt with at the ministerial level. Since the DEUII data give national positions on various issues

within each piece of legislation, we code preference divergence as the largest standard deviation of national positions on an issue within each piece of legislation.

The next variable in our model codes for the level of EP involvement. As Häge (2012) argues, further involvement by the European Parliament makes it more difficult for the Council to come to an agreement (with which the EP will agree). As a result, increasing amounts of legislation are being decided in committees that include representatives from the Parliament. Thus, if the EP is given more power, the final Council action on the legislation should be less likely to be a B point. We code this as an ordinal variable, using Häge's (2011b) calculation of procedure type, which codes for whether the legislation was subject to the assent, consultation, or codecision procedure.

We also include a variable that codes for whether the Council's voting procedure was unanimity or qualified majority voting (QMV). There is a greater likelihood for gridlock and disagreement when the rule is unanimity, since discontented member-states may hold out for longer than they would under QMV, where they recognize they could be outvoted. Therefore, the expectation would also be that unanimity makes it less likely that the final decision would be a result of committee-level decision-making. We code this based on the Monthly Summaries of Council Acts, such that unanimous decisions are coded as 1 and QMV decisions as 0. When the legislation was not included in the monthly summaries, we used the legal basis of the legislation to code the decision-making rule.

Next, we include a variable to account for the amount of socialization within each configuration. The expectation is that committees that meet more often are more likely to have internalized various norms, either of a supranational, pro-EU form that might encourage them to put European interests above their national interests, or of a committee nature, that encourage

finding a solution above other things (Häge, 2012; Lewis, 2000). Thus, the more often the committees meet, the more likely they should be to find solutions at the committee level. We proxy committee meetings by the number of ministerial meetings in each configuration, since the configurations that meet more often are also likely to need more preparation work by the relevant committees. We gathered this data about the frequency of ministerial meetings from the Council minutes.

Finally, we include a variable that accounts for the level of saliency that the member-states attached to each piece of legislation. We again utilize the direct measures of saliency provided by the DEUII data. We weight the member-state scores by state voting power to produce a weighted saliency score for each issue, and then average these across the issues within each piece of legislation.² We expect that ministers will want to be more involved in more salient legislation, and therefore expect that committee decision-making will be less likely on highly salient issues.

We end up omitting a number of variables that Häge (2012) includes because they perfectly predict the outcome within the data sample we are using. The first of these is the uncertainty associated with the policy implications of the legislation, measured by the number of different policy areas that the legislation covers. The final decision was made by the Council on all of the legislation that impacts multiple policy areas. We also cannot include the configuration controls that Häge includes because a handful of them also perfectly predict the outcome.

² We weight power according to the Shapley Shubik Index (SSI), which measures the number of possible voting sequences in which an actor would be the pivotal player (e.g. the player who casts the deciding vote) (Shapley and Shubik 1954).

Results

Our results, presented in Table 6, suggest that turnover is an important and significant predictor of Council-level final decisions. The relationship supports the first hypothesis, based on the general comparative literature on turnover, that increased turnover at the ministerial level makes committee-level decisions more likely. Turnover is negative and significant at the .01 level ($p = .003$). A 1% increase in turnover decreases the odds of the final decision being at ministerial level by 14.6%. When turnover is at its maximum, 56.25%, the predicted probability of a final Council-level decision is only .0016, whereas when it is at its minimum, 16.67%, the predicted probability is .46. This is a substantial change in the odds, and only the unanimity voting rule predicts a larger effect when it is moved from its minimum to its maximum. A graph of the predicted probabilities at different levels of turnover is presented below (Figure 1).

--- VIEW TABLE SIX AND FIGURE ONE ---

The results for the preference divergence variable are counterintuitive. This variable is significant at the .01 level ($p = .009$), which it was not for Häge (2012). It is negative, meaning that greater differences among member state preferences make it less likely that the final decision will be made at the ministerial level. A one-point increase in preference divergence decreases the odds of a decision being made at ministerial level by 6.6%. A change from the minimum (0) to the maximum (57.7) predicts a .26 decrease in the predicted probability of a ministerial decision. One potential explanation for this finding may be that these proposals are

often sent back to the committee level for final language changes, even if the substantive decisions have been made at the ministerial level.

The variable for the Council decision rule (unanimity vs. QMV) is also highly significant ($p < .000$). It is positive, as expected, indicating that when the Council decides by unanimity, the final decision is likely to be made at the ministerial level rather than the committee level. This effect is quite substantial. Unanimous decisions increase the predicted probability of a ministerial decision by .8993.

None of the other variables is significant at the .05 level. Saliency level is the closest, with a p-value of .079. It is positive, as expected, meaning that the ministers are more likely to make final decisions about legislation themselves. Neither socialization nor the Parliament's involvement is significant.

The model as a whole is highly significant. The likelihood-ratio (LR) chi-squared statistic is 41.49. The probability of having gotten this statistic if the null-hypothesis were true and none of these variables had an effect on the level of the decision is less than 0.000. We can therefore be confident that the model is statistically significant. McFadden's R-squared, or Pseudo R-squared, is 0.446, meaning that this model reduced the log-likelihood by about 45% by including the independent variables. The model correctly predicts about 91% of the observations, which is about 47% more than a baseline model that predicted the mode outcome (committee level decision-making).

Conclusions

The results of this study provide substantial insight into the vertical patterns of decision-making within the Council. The evidence suggests that turnover is an important factor in determining where final decisions get made, and that high levels of turnover do increase the power of bureaucrats within the Council's decision-making system. Since the Council has generally been found to be the most influential of the three institutions, this finding has important repercussions for the entire EU system.

The implications are particularly important with regard to debates about the democratic deficit and the nature of national influence in the EU. Many of the people who participate in the Council's working groups and senior committees have worked in Brussels for relatively long periods of time. This experience promotes their socialization into various organizational norms (Lewis 2000, 2003). The literature on norms in the Council system cautions against oversimplification—experienced bureaucrats are not necessarily unreflective, nation-bashing federalists. Still, such bureaucrats are likely to know the system and their counterparts well, to be motivated by a desire to get things done, and to view issues from a different angle than ministers with little experience in Brussels and/or the Council system and/or a particular sectoral configuration.

To the extent the bureaucrats are making decisions—and our data suggest that turnover is an important factor driving bureaucratic discretion—democratic accountability becomes more difficult. Officials are not subject to elections or to significant public scrutiny. A similar argument holds for national parliamentary scrutiny of ministerial action in the Council. While democratic advocates have pushed for greater national parliamentary scrutiny and the Lisbon Treaty has reflected some of their concerns, MPs hoping to hold their executives (and/or the Council as a whole) accountable face a difficult task, indeed. When levels of turnover are high

and bureaucrats are making more decisions, national parliamentarians have a harder time assigning approbation and blame.

More broadly, our findings highlight the importance of applying concepts and theories from the broader comparative literature to the study of EU institutions. Turnover is an important example of such a concept, and it is just one of many that exist. The facts (a) that the comparative expectations about turnover contrast with implications coming out of the more specific Council literature, and (b) that the current results cut against the more specific literature's expectations reinforce the importance of bringing these literatures together.

Table 1: Turnover in European National Legislatures

Period	Country	N (number of elections)	Average turnover between elections (%)	Average annual turnover (%)
1979-1994	Portugal	5	45.2	19.10
	Spain	4	44.0	12.46
	France	3	42.3	9.85
	Austria	4	38.6	10.29
	Netherlands	5	36.3	10.68
	Greece	6	35.6	13.43
	Italy	4	35.5	8.97
	Luxembourg	4	35.3	7.03
	Finland	4	30.5	9.03
	Belgium	4	28.5	9.45
	Sweden	6	25.4	8.63
	Denmark	6	24.3	10.22
	United Kingdom	4	24.3	5.58
	Ireland	6	23.9	9.30
	West Germany	3	21.3	5.77
AVERAGE, EU-15	4.5	33.0	9.99	
1979-2009	European Parliament	7	44.5	8.91

Notes and sources: For states with bicameral legislatures, figures cover the lower chamber. For EU-15 member states, Matland and Studlar (2004). For European Parliament, authors' calculations.

Table 2: Turnover in the Council of Ministers, 1 August 2004 – 1 August 2009

Configuration	(A)	(B)	(C)
	# of ministers, 01.08.2004	# of ministers from (A) still serving on 01.08.2009	Turnover rate (%)
Foreign Affairs	58	4	93.1
Economic and Financial Affairs	31	4	87.1
Justice and Home Affairs	52	2	96.2
Employment, Social Policy, Health, and Cons. Affairs	56	2	96.4
Competitiveness	33	3	90.9
Transport, Telecommunications, and Energy	34	1	97.1
Agriculture and Fisheries	24	1	95.8
Environment	24	3	87.5
Education, Youth, Culture, and Sport	58	6	89.7
TOTALS	370	26	93.0

Table 3: Turnover Rates Within Trio Periods, July 2005 – June 2011

Trio #	Trio dates	Configuration	Turnover rate (%)
-1	01.07.2005 - 01.12.2006	Foreign Affairs	51.72
		Economic and Financial Affairs	41.94
		Justice and Home Affairs	44.23
		Employment, Social Policy, Health, and Cons. Affairs	45.45
		Competitiveness	45.45
		Transport, Telecommunications, and Energy	45.45
		Agriculture and Fisheries	37.50
		Environment	33.33
		Education, Youth, Culture, and Sport	45.45
1	01.01.2007 - 01.06.2008	Foreign Affairs	54.69
		Economic and Financial Affairs	57.58
		Justice and Home Affairs	64.81
		Employment, Social Policy, Health, and Cons. Affairs	60.00
		Competitiveness	55.88
		Transport, Telecommunications, and Energy	63.16
		Agriculture and Fisheries	66.67
		Environment	60.00
		Education, Youth, Culture, and Sport	55.74
2	01.07.2008 - 01.12.2009	Foreign Affairs	61.90
		Economic and Financial Affairs	59.38
		Justice and Home Affairs	48.15
		Employment, Social Policy, Health, and Cons. Affairs	46.77
		Competitiveness	47.06
		Transport, Telecommunications, and Energy	34.29
		Agriculture and Fisheries	44.00
		Environment	56.00
		Education, Youth, Culture, and Sport	50.85
3	01.01.2010 - 01.06.2011	Foreign Affairs	44.44
		Economic and Financial Affairs	36.36
		Justice and Home Affairs	50.00
		Employment, Social Policy, Health, and Cons. Affairs	49.18
		Competitiveness	50.00
		Transport, Telecommunications, and Energy	47.06
		Agriculture and Fisheries	45.83
		Environment	54.17
		Education, Youth, Culture, and Sport	35.48
Average (across 4 trios)			49.72
Standard deviation (across 4 trios)			6.78

Table 4: Turnover Rates, Six-Month Rotating Presidencies

Year	Semester	Presidency	Turnover (%), average of configuration-specific rates
2004	2	The Netherlands	20.66
2005	1	Luxembourg	15.85
2005	2	United Kingdom	14.05
2006	1	Austria	16.43
2006	2	Finland	17.17
2007	1	Germany	25.41
2007	2	Portugal	12.95
2008	1	Slovenia	22.87
2008	2	France	9.37
2009	1	Czech Republic	12.95
2009	2	Sweden	22.22
2010	1	Spain	12.43
2010	2	Belgium	25.90
2011	1	Hungary	11.67
2011	2	Poland	22.93
2012	1	Denmark	15.43
AVERAGE			17.39

Table 5: Annual Turnover Rates, Council of Ministers, 2004-2012 (%)

	N	05.2004	05.2005	05.2006	05.2007	05.2008	05.2009	05.2010	05.2011	05.2012
05.2004	365	0.00	35.07	47.67	70.14	81.10	84.93	87.12	90.14	95.34
05.2005	364		0.00	20.05	54.40	70.33	76.37	83.79	87.09	92.31
05.2006	367			0.00	43.87	65.94	72.75	82.29	84.74	90.46
05.2007	401				0.00	32.67	55.11	70.07	79.55	84.54
05.2008	396					0.00	31.31	54.29	70.45	80.30
05.2009	397						0.00	31.99	55.67	76.07
05.2010	398							0.00	35.43	67.09
05.2011	387								0.00	49.10
05.2012	381									0.00

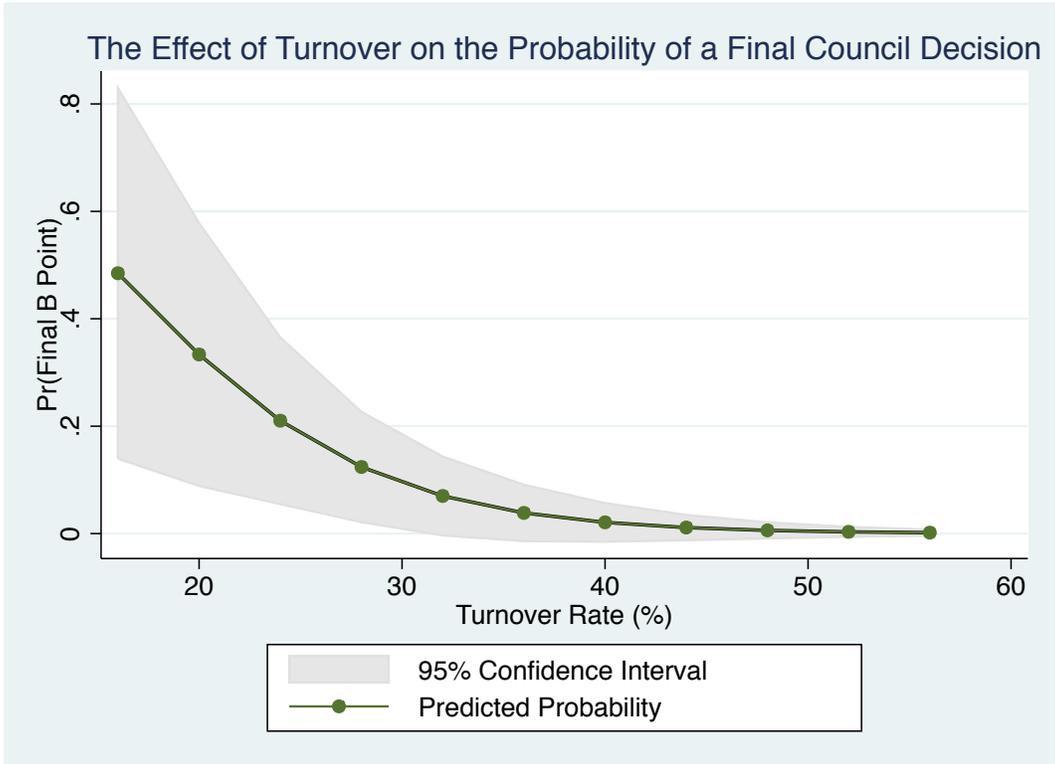
Table 6: Determinants of Final Council Decision-making

Turnover Rate	-0.158** (0.0540)
Preference Divergence	-0.0685** (0.0264)
EP Involvement	0.490 (0.476)
Unanimity	6.325*** (1.547)
Socialization	-.0504 (0.154)
Saliency	0.0627 (0.0358)
Constant	88.678*** (8.715)
<i>N</i>	105
<i>Pseudo R</i> ²	0.4462
<i>Likelihood-Ratio Chi</i> ²	41.49

Notes: Logistic Regression. Standard errors in parentheses. See text for information on variables.

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Figure 1



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