

Measuring International Authority

A Postfunctionalist Theory
of Governance, Volume III

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OXFORD
UNIVERSITY PRESS

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Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

Oxford University Press is a department of the University of Oxford.
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First Edition published in 2017

Impression: 1

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Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data
Data available

Library of Congress Control Number: 2017932814

ISBN 978-0-19-872449-0

Printed in Great Britain by
Clays Ltd, St Ives plc

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again by majority vote, to suspend concessions to that member state. Hence the procedure involved retaliatory sanctions as a remedy for non-compliance. Non-state actors did not have legal standing, and there was no preliminary ruling procedure.

The 2001 Convention set out a new, two-step system of consultations and adjudication which now produces binding rulings. Consultations operate via the Council, which convenes within thirty days to examine a request for consultations brought by a member state “with a view to finding an acceptable solution” (Revised EFTA Agreement, Art. 47). If member states fail to resolve the dispute within forty-five days, either member may refer the matter to an Arbitration Tribunal (Art. 48.1), so the automatic right to third-party review from the previous system is maintained. As before, the Tribunal consists of three ad hoc arbitrators, one of whom is chosen by either party to the dispute and the third one, who cannot be a national of a disputing state, is chosen by mutual agreement (Annex T, Art. 1.4). The Tribunal adopts its awards by majority vote (Annex T, Art. 1.7), and under the new system, these awards “shall be final and binding upon the Member States parties to the dispute and shall be complied with promptly” (Art. 48.3). If a member state fails to comply, the complainant can impose retaliatory sanctions (Annex T, Art. 3). Contrary to the pre-2001 agreement, the Council no longer has the last word on either the judgment or the sanctions.

The accession of three of the four EFTA states (all but Switzerland) to the EEA in 1994 spurred the creation of several new bodies that straddle EFTA and EEA. The EFTA Surveillance Authority, an interstate body, monitors the implementation and application of EEA stipulations. The EFTA Court of Justice, a non-state body, has binding jurisdiction over the EEA members of EFTA, non-state access, direct effect, and preliminary ruling. Beginning in September 1995, the EEA/EFTA states nominate and appoint the EFTA Court which consists of three judges and six ad hoc judges. We code the EFTA Court and the EFTA Surveillance Authority when we evaluate the authority of the EEA.

European Union (EU)

The European Union (EU) is the world’s most authoritative general purpose international organization. Its antecedent, the European Coal and Steel Community (ECSC), established in 1951, was reconstituted in 1958 as a customs union with the goal of “creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen” (2009 Treaty of the European Union, Title I, Art. 1). The EU’s core policy competences are in economic areas, and encompass the free movement of people, goods, services, and capital, as well as trade,

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agriculture, fisheries, competition policy, and regional development. It shares policy competences with its member states in a number of other areas, including the environment, research, social regulation, health, consumer protection, transport, energy, justice and home affairs, and foreign policy. The EU has permanent diplomatic missions across the world, is represented in diverse international fora, including the United Nations, the WTO, the G8, and the G20, and is a major donor to regional organizations in Africa, Latin America, and the Asia-Pacific. A monetary union, the Eurozone, was established in 1999, with nineteen member states as of March 2017.

The administrative headquarters are in Brussels; the European Court of Justice is based in Luxembourg; the European Central Bank in Frankfurt; and the European Parliament holds its plenary sessions in Strasbourg. The EU also has thirty-seven agencies in thirty-one cities across Europe.

The organization has deep historical roots—apocryphally reaching back to Charlemagne (Heater 1992; Marks 2012). The prominent English Quaker, William Penn, is said to be the first intellectual to have proposed a European Parliament, in 1693 (Urwin 1991: 2). In the eighteenth century, Jeremy Bentham proposed a European army, and Jean-Jacques Rousseau a European federation. In 1814, Henri Saint-Simon published a detailed design for a European constitutional monarchy. At the third International Peace Congress held in Paris in 1849, Victor Hugo called for a United States of Europe (Paris Peace Committee 1849). After World War I, prominent politicians, including Aristide Briand, Konrad Adenauer, Carlo Sforza, and Georges Pompidou, voiced support for a united Europe.

The proximate origins of the European Union lie in wartime collaboration among resistance movements (Urwin 1991). From his prison cell on the Italian island of Ventotene, Altiero Spinelli wrote a manifesto (1941) for a federal Europe, which continues to be a reference point for the European federalist movement. In September 1946, Winston Churchill's speech in Zurich called for a United States of Europe built on Franco-German reconciliation.

A conference convened in The Hague in 1948 to discuss the future of Europe, but differences ran wide on both the scope and institutional character of integration. Proponents of economic integration disagreed with advocates of political cooperation, and federalists clashed with intergovernmentalists. In the end, the conference produced little more than declarations, though it paved the way for the creation of the Council of Europe—a predominantly intergovernmentalist organization focusing on political cooperation and human rights. In August 1949, the Consultative Assembly of the Council of Europe held its first session. However, a "United States of Europe" was off the agenda.

The failure of European-wide supranational cooperation, the anticipated benefits of scale in coordinating economic recovery, and the need to re-integrate Germany in the Western anti-Communist bloc led to a French

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initiative in May 1950 to form the European Coal and Steel Community. The Treaty came into effect in July 1952 for Germany, France, Italy, and the Benelux countries, and since it had a sunset clause, it expired in 2002. For purposes of our coding we conceive the ECSC as the forerunner of the EU even though it is a legally independent international organization.^β

The ECSC is the first of several major treaties that have shaped the European Union (EU), née European Community (EC), née European Economic Community (EEC). In 1954, attempts to institutionalize supranational political and defense cooperation among the six member states failed. In response, the 1957 Rome Treaty set up two economic organizations: the EEC for a common market in goods, services, capital, and labor, and the European Atomic Energy Community (EAEC or Euratom) for the peaceful utilization of nuclear energy. The institutions and budgets of the ECSC, the EEC, and the EAEC were combined following the 1965 Merger Treaty, and this was put into effect in 1967.³⁷ Since they shared an institutional blueprint and were considered part of the same political project from the beginning, we code them as a single organization.^β

Following a twelve-year transitional period, a customs union was established in 1969. The 1986 Single European Act (SEA) was the first major reform since the Rome Treaty of the 1950s. Its purpose was to eliminate non-tariff barriers by 1992 and so complete the internal market (Sandholtz and Zysman 1989; Hooghe and Marks 1999; Marks, Hooghe, and Blank 1996).

The 1993 Maastricht Treaty changed the name of the overarching organization to the European Union, combined the three economic organizations under one roof in the European Community, and introduced two additional areas of cooperation with distinct decision rules: Common Foreign and Security Policy, and Justice and Home Affairs. In the European Community pillar, the Treaty set out a detailed timeline for economic and monetary union and a common currency, to be completed by 2002. The 1999 Amsterdam Treaty extended co-decision powers of the European Parliament and broadened the scope of cooperation to environment and social policy.

The 2003 Nice Treaty extended majoritarian voting and redistributed voting weights among member states in the Council (aka the Council of Ministers), reallocated seats in the Parliament, and increased the number of Commissioners in an organization about to grow from fifteen to twenty-five member states. The most recent constitutional reform, the Treaty of Lisbon, came into force in 2009. It includes, among other things, rules for exiting the European Union.

³⁷ For a useful summary of the evolution of the Council and the High Authority across the three organizations, see Hayes-Renshaw and Wallace (1997: box 1.1, p. 5).

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The EU began with six member states and by 2016 had twenty-eight. In 1973, Britain, Ireland, and Denmark joined. Greece entered in 1981, Spain and Portugal in 1986, followed by Sweden, Austria, and Finland in 1995. After the breakup of the Soviet Union and the Warsaw Pact, eight former Communist countries from Central and Eastern Europe joined in 2004, along with two islands in the Mediterranean, Malta and Cyprus. Romania and Bulgaria joined in 2007, and Croatia joined in 2013. Three countries are currently in formal accession talks: Montenegro, Serbia, and Turkey. Macedonia and Albania are in the queue for accession negotiations. Iceland and Norway were at one point in negotiation talks, but both pulled back. Switzerland has a special bilateral relationship with the EU but has never initiated accession. In June 2016, the United Kingdom voted by referendum to leave the EU.

The key legal documents are the Treaty Establishing the European Coal and Steel Community (signed 1951; in force 1952), the Rome Treaty Establishing the European Atomic Energy Community (signed 1957; in force 1958), the Rome Treaty Establishing the European Economic Community (signed 1957; in force 1958) and subsequent revisions with the Merger Treaty (signed 1965; in force 1967), the Single European Act (SEA) (signed 1986; in force 1987), the Maastricht Treaty on European Union (signed 1992; in force 1993), the Amsterdam Treaty (signed 1997; in force 1999), the Treaty of Nice (signed 2001; in force 2003), and the Lisbon Constitutional Treaty (signed 2007; in force 2009). The chief institutions are the European Council, the Council of the European Union (or Council of Ministers), the European Commission, the European Parliament, the European Court of Justice, and the European Central Bank.

Institutional Structure

A1: THE SPECIAL COUNCIL (1952–66), AND FROM THE COUNCIL OF THE EEC (1958–66) TO THE COUNCIL OF MINISTERS (1967–2008) AND THE COUNCIL OF THE EUROPEAN UNION (2009–10)

The ECSC Treaty established a Special Council composed of one delegate from each member state government (Art. 26). This is the ECSC's legislative body with authority to take the final decision on issues such as accession and constitutional amendments, even though its role in policy making is mostly consultative. Indeed, its main function is to serve as a non-binding check on the High Authority, which is required to consult the Council on many issues and on some needs its approval (Art. 28). The Council takes binding decisions by simple majority, absolute majority, or consensus depending on the issue. Decisions by simple or absolute majority are always weighted. They require the support of at least one member producing 20 percent or more of the total value of coal and steel in the community. Decisions requiring an absolute majority need four votes in favor, or in case of equal votes and in second reading, the

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support of three members of which two members produce 20 percent of the total value of coal and steel (i.e. France and Germany) (Art. 28). The chairmanship rotates among the members in three-month intervals (Art. 27).

The 1957 Rome Treaty strengthened the role of the Council, more commonly known as the Council of Ministers, as the body that “disposes of a power of decision” (Art. 145) with the authority to make the final decision on legislation and the budget. Even though the Treaty is silent on its composition, the Council soon began to meet in configurations that vary by policy area. The General Affairs Council, composed of the ministers of foreign affairs or European affairs, coordinates preparations for European Council meetings. The chair in the EEC rotates on a six-monthly basis (Art. 146). With rare exceptions, the decision rule is consensus for the first twelve to fifteen years (Art. 8; several Treaty articles).³⁸ This was to be replaced by qualified majority with weighted voting (or in rare cases, simple majority) after a transition period (Arts. 148 and 149). However, the practice of consensus was extended by the Luxembourg compromise of 1966, which is more accurately characterized as an agreement to disagree (Nugent 1991: 119–20):⁶

I. Where, in the case of decisions which may be taken by majority vote on a proposal of the Commission, very important interests of one or more partners are at stake, the Members of the Council will endeavour, within a reasonable time, to reach solutions which can be adopted by all the Members of the Council.

II. With regard to the preceding paragraph, the French delegation considers that where very important interests are at stake the discussion must be continued until unanimous agreement is reached.

III. The six delegations note that there is a divergence of views on what should be done in the event of a failure to reach complete agreement.

IV. The six delegations nevertheless consider that this divergence does not prevent the Community’s work being resumed in accordance with the normal procedure.

The agreement, recorded in a final communiqué of an extraordinary session of the Council, ushered in two decades of consensus decision making (*Bulletin of the European Communities* 1966; Hix and Høyland 2011: 52). Under the shadow of the compromise, majority voting became the exception rather than the rule and we continue to code consensus as the decision rule in the Council until the Single European Act.³⁹

³⁸ The Treaty uses the term “unanimity.” However, Article 148.3 states that abstentions by members present or absent shall not prevent decisions, which means that the decision rule is best characterized as consensus—not unanimity (see also Hix 1999: 63, for a brief discussion).⁶

³⁹ It is interesting to note that, even though majority voting was rarely applied, when a new state joined, voting weights for new members were defined and thresholds re-adjusted in accession treaties (1973, 1979, 1985). Also, Nugent remarks that from the early 1980s “the practice of majority voting began to develop where it was so permitted by the treaties” (Nugent 1991: 122–3).

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The Single European Act (SEA), which came into force in 1987, laid down that the Council could decide by qualified majority on the common market, which encompasses the common external tariff, services and capital, sea and airport policy, the internal market, and economic and social cohesion. The SEA opened the door to qualified majority voting under weighted voting in the Council. Since the Treaty of Rome, the voting weights have been set out in the Treaty and adjusted with each enlargement. They broadly reflect the size of the population but with a pronounced correction in favor of member states with smaller populations.

With respect to the Council, the 1993 Maastricht Treaty specified that it is composed of member state representatives “at ministerial level,” and rearranged the rotation of its chairman over a twelve-year cycle (Art. 146). It also identified the Committee of Permanent Representatives (COREPER) as the Council’s main coordinating body and set up a General Secretariat (Art. 151).

The 2003 Nice Treaty reformed the weighted voting system in anticipation of Eastern enlargement. The Lisbon Treaty, coming into force in 2009, again reformed Council voting. Prior to 2014, a qualified majority required a majority (or two-thirds) of member states encompassing 62 percent of the EU’s population and having 255 of a possible 345 votes (Protocol 36 on transitional provisions, Title II). From November 2014, a qualified majority requires 55 percent of the members of the Council (i.e. fifteen member states) with 65 percent of the EU’s population (Art. 16.4). The Council was renamed the Council of the European Union.

A2: EUROPEAN COUNCIL (1975–2010)

The European Council—the meeting of Heads of State and Government, not to be confused with the Council (of Ministers)—was set up at the 1974 Paris Summit as a thrice-yearly forum for government leaders and foreign affairs ministers. The European Council sets strategic priorities and operates as fixer-in-chief, recognizing, in the Summit communiqué, “the need for an overall approach to the internal problems involved in achieving European unity and the external problems facing Europe” (Paris communiqué 1974). It was not until the Single European Act (1987: Art. 2) that the European Council was specified in treaty, when it was given the authority to issue general guidelines on European political cooperation and express a common position on external relations (Art. 30). The Maastricht Treaty states that the European Council “shall provide the Union with the necessary impetus for its development and shall define the general political guidelines thereof” (Art. D). However, the organization remained outside the formal institutional set-up until the Lisbon Treaty recognized the European Council as a full-fledged EU institution (Art. 13). While its manner of working was codified in 2002 (Seville European Council), its rules of procedure were adopted only in December 2009 (de Schoutheete 2012: 44–64).

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The composition of the European Council has changed over time. Initially, it consisted of heads of state/government of the member states and their foreign affairs ministers, chaired in conjunction with rotation in the Council of Ministers. Therefore, its composition is entirely member state. Since the Single European Act (Art. 2), the president of the European Commission is *de jure* a member of the European Council and has some agenda setting power (de Schoutheete 2002: 22).⁴⁰ Yet, the president does not chair the meetings and cannot vote. Thus, we continue to code the composition as fully member state even after the SEA.^β Since the Lisbon Treaty (Art. 15.2), ministers of foreign affairs are no longer *de jure* members of the European Council. The president of the European Commission and the High Representative of Foreign Affairs, who chairs the Foreign Affairs Council and is vice-president of the European Commission, are non-voting members (Art. 15). The European Council is now chaired by the president of the European Council, a permanent position. Appointments, as well as the removal of incumbents, require a qualified majority in the European Council (Art. 15.5) and are for two-and-a-half years, renewable once. In case of “an impediment or serious misconduct,” the European Council can remove the president from office in the same way (Art. 15.5). The president chairs the European Council, facilitates its work and internal decision making, and ensures the external representation of the Union, which he coordinates with the High Representative of the Union for Foreign Affairs (Art. 15.6). So he has considerable agenda setting power, but, like the president of the European Commission or the High Representative, the president of the European Council has no vote.

The Lisbon Treaty bars the European Council from legislation and fixes its general decision rule to be consensus (Arts. 15.1 and 15.4). However, it votes by simple majority on its rules of procedure and on whether to examine amendments to the Treaty, and by qualified majority (using the 55 percent member, 65 percent population threshold) on the appointment of the Council president, the High Representative for Foreign Affairs, the Board of the Central Bank, and the nomination of the Commission president.

A3: EUROPEAN PARLIAMENT (1977–2010)

The Assembly, later the European Parliament, began life as a consultative body, albeit one with the authority to dismiss the European Commission. Its powers grew with the Budgetary Treaties of 1970 and 1975, which allow the European Parliament to reject the budget, modify compulsory

⁴⁰ In addition, a second member of the Commission, the secretary general of the Council of Ministers, and the secretary general's deputy can attend. When the topic concerns economic and monetary union, finance ministers may attend, either alongside or instead of ministers of foreign affairs (de Schoutheete 2002).

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(i.e. treaty-mandated) expenditure, and approve or disapprove non-compulsory spending (Shackleton 2012). We code the Parliament as a decision making body from 1977, when the 1975 Budgetary Treaty enters into force.

The Single European Act transformed the Assembly into the European Parliament and gave it agenda setting power in the community's legislative process. The SEA introduced the cooperation procedure, which gave the Parliament the right to amend draft legislation on the single market plus some flanking policies. Only by unanimity could the Council overrule parliamentary amendments endorsed by the European Commission (SEA, Art. 149). In addition, enlargement and international association agreements required the assent of the European Parliament (SEA, Art. 238).

The Maastricht Treaty declared the Parliament a body of "representatives of the peoples of the States brought together in the Community" and, for the first time, recognized the role of political parties in "forming a European awareness and to expressing the political will of the citizens" (Arts. 137 and 138a). Under the co-decision procedure, the Parliament became a co-legislator alongside the Council with the authority to veto legislation. In addition, it could approve (or veto) the appointment of the Commission as a body and could request the Commission to prepare legislative proposals (Arts. 158 and 138b).

The Amsterdam Treaty gave the Parliament the authority to approve the president of the Commission nominated by the European Council (Art. 158.2). In the Lisbon Treaty, the language is broadened to say that the Commission president shall be elected by the European Parliament by a majority of its members upon a proposal by the European Council, "taking into account the elections to the European Parliament and after having held the appropriate consultations" (Art. 17.7).

From 1952 to 1978, the Assembly was composed of indirectly elected representatives of national parliaments. From 1979, the members were directly elected for a term of five years. The Parliament was composed of 751 representatives in 2016, making it the world's second largest democratic assembly.⁴¹

E1: FROM HIGH AUTHORITY (1952–66) TO COMMISSION OF THE EEC (1958–66) TO COMMISSION (1967–2008) TO EUROPEAN COMMISSION (2009–10)

The principal executive of the EU is the European Commission, which is responsible for coordinating executive and management functions in "the general interest of the Union" (Lisbon Treaty, Art. 17.1). Until 1958 we

⁴¹ See <<http://www.europarl.europa.eu/meps/en/search.html>> (accessed February 11, 2017). The Parliament to India has 790 seats.

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code the High Authority of the European Coal and Steel Community as the principal—in this case, sole—executive (Haas 1958).⁴²

The appropriately named High Authority is a supranational body with the authority, *inter alia*, to carry out investment programs in the coal and steel sector, impose fines on individual businesses that violate Treaty provisions, establish production quotas, develop proposals for the distribution of coal and steel resources in the Community, set prices, and ensure fair competition. All of this takes place with limited oversight by the member states.

The High Authority has nine members, appointed for six years, with the possibility of reappointment (ECSC Treaty, Art. 9). Eight are designated by the member states in “agreement amongst themselves” and the ninth is chosen by the original eight members using simple majority (Art. 10). Three members of the High Authority are replaced every two years, and every six years, the original appointment process takes place, with eight members selected by the member states and the ninth elected by the other members of the High Authority. Hence, we code both member states and the High Authority in proposing and appointing the executive. The Treaty does not detail how these nine posts are allocated across member states except to say that no member state can have more than two members (Art. 9). Because there is no contractual guarantee that each member state will be represented we code partial, rather than full, member state representation.^γ Non-state selection of the ninth member of the High Authority renders state representation less than 100 percent.

Members of the High Authority are instructed to be completely independent from member states, which we code as indirect state representation (Art. 9). The Authority takes decisions by simple majority and issues binding decisions and recommendations as well as non-binding opinions (Arts. 14 and 86).

The president and vice-president of the Authority are chosen by the member states under consensus after consultation with the High Authority, and serve for two years (Art. 11). Here we code the High Authority as agenda setter and the member states as decision maker.

Upon petition by the High Authority or the Special Council, the Court of Justice may remove a member of the High Authority who “no longer fulfill[s] the conditions necessary to the exercise of their functions” (Art. 12). The Assembly can dismiss the entire High Authority by a motion of censure adopted by a two-thirds majority (Art. 24).

The Rome Treaty established the Commission as the central executive of the EEC and Euratom (European Atomic Energy Agency). The Commission has a somewhat weaker mandate than the High Authority, but still has considerable

⁴² We conceive the ECSC as the forerunner of the EU, although it was formally absorbed in the Commission only with the Merger Treaty, hence we notate this as ^β.

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supranational powers. These comprise a monopoly in initiating legislation (Art. 155), a key decisional role in competition policy (Rome Treaty, Chapter 1), legal guardianship of the treaties and all secondary legislation, including the responsibility to make sure that EU law is uniformly applied (Art. 101), the right to take member states to the Court of Justice (Art. 169), external representation, and a lead role in negotiating trade agreements and accession (Art. 111) (Hooghe and Rauh 2017).

Until the Merger Treaty, the EEC Commission had nine members and the Euratom Commission five. The rules governing their composition are the same so we combine them here. The term of office for the Commission is renewable on a four-year basis, and, in contrast to the High Authority, terms of appointment are not staggered. All members are appointed by member governments “acting in common agreement” (Art. 158). Member states choose, by consensus and after consulting the sitting Commission, the president and two vice-presidents from among the members of the Commission for two-year renewable terms (Art. 161). Rules for removal are those for the High Authority, the Commission and its members are similarly instructed to “perform their duties in the general interest of the Community with complete independence” (Art. 157.2).

The Merger Treaty combined the two Commissions (EEC, EURATOM) and the High Authority (ECSC) into one (Commission of the European Communities), adding the condition that “[t]he Commission must include at least one national of each of the Member States.” So from 1967 we code all member states as represented. The size of the Commission can be changed under consensus by the Council (Art. 157.1) and ranges from fourteen (1967–70) to nine (1970–73), thirteen (1973–81), fourteen (1981–4), seventeen (1986–94), twenty (1995–2004), twenty-seven (2005–13), and twenty-eight following the accession of Croatia in 2013.

From 1975, the European Council became the formal European arena for appointments made by member state governments by common accord. In 1977, Roy Jenkins succeeded François-Xavier Ortoli as the first Commission president appointed by the European Council.

The Maastricht Treaty empowered the European Parliament as a decisive actor alongside member states and the European Council (Art. 158.3). Member states nominate the president of the Commission after consultation of the European Parliament and then nominate commissioners in consultation with the nominee for president. Finally, the Parliament votes up or down on the entire Commission and the European Council affirms a positive vote by consensus (Art. 158). Thus, we code the European Council and the Parliament as initiators, and the European Council and the European Parliament as final decision makers for the Commission, whereas for the Commission president, the European Council and the Parliament are initiators, and the European

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Council makes the final decision. Beginning in 1995 tenure in office is changed to five years in line with the timing of parliamentary elections (Art. 158.1).

The Amsterdam Treaty gave the European Parliament a veto on the president of the Commission, and contains slightly stronger language on the president-designate's right to pick his own Commissioners.

The Nice Treaty sets the composition of the Commission to one commissioner per member state (rather than at least one commissioner per member state) (Art. 231.1) and introduces qualified majority in the European Council for the appointment of Commission president (Art. 214). The sequel of steps in the appointment process remains the same, but with a division of labor between the European Council and the Council. The European Council nominates a presidential candidate for endorsement by the Parliament as before, but now it is the Council, under qualified majority, that nominates the members of the Commission. The Council does so in accord with the presidential nominee and "with the proposals made by each Member State." After approval of the Commission by the Parliament, the European Council appoints the president and Commission, again by qualified majority (Art. 214.2). Hence we code the European Council and the European Parliament as nominators of the president, and the European Council and Parliament as final decision makers; we code the Council, member states, and the president as nominators of the Commission, and the European Council and the Parliament as final decision makers.

The Lisbon Treaty mandated that the Parliament elect the Commission president by majority following nomination by the European Council under qualified majority (Art. 17.7). The rest of the procedure remains in place, with two changes. First, the Council meets in its regular ministerial composition rather than as heads of state or government; second, member states (not the Council) nominate a list of candidates for the Commission, which is then adopted by the Council in accord with the president-elect. So we reintroduce member states for the initiation stage.⁴³

E2: FROM THE COUNCIL OF MINISTERS (1987–2008) TO THE COUNCIL OF THE EUROPEAN UNION (2009–10)

While the Council's primary role is legislative, it also sits atop an elaborate executive machinery of sectoral councils and working groups coordinated by the Committee of Permanent Representatives (COREPER) (Hayes-Renshaw and Wallace 1997). The Council's competences in implementation are introduced

⁴³ From 2014, the number of Commissioners was slated to correspond with just two-thirds of EU member states "on the basis of a system of strictly equal rotation between the Member States," unless the European Council decided to change this (Art. 17.5). In May 2013, the European Council decided to retain one Commissioner per member state.

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with the SEA, which says that the Council confers on the Commission “powers for the implementation of the rules which the Council lays down” but also that it retains “the right, in specific cases, to exercise directly implementing powers itself” (Art. 145).

The Lisbon Treaty emphasizes the legislative role of the Council and there is debate among legal scholars whether it is still appropriate to call it an executive. We wish to err on the side of inclusiveness, so we code the body in its (secondary) executive role.⁷

Members of the Council are state representatives, and every member state is represented. The chair rotates among member states. Since 2009, two Council institutions, the Foreign Affairs Council and the Eurozone Council, have a permanent chair. The Foreign Affairs Council is headed by the High Representative of the Union for Foreign Affairs and Security Policy, who doubles as vice-president in the Commission. The High Representative is appointed by the European Council under qualified majority with the agreement of the Commission president (Art. 18.1). The European Parliament is the third co-decider because it has a veto on the entire Commission. The High Representative can be dismissed by the same procedure, and is appointed for five years.

The second council institution with a permanent chair is the Eurozone Council, or Euro Group. Given the substantive importance of Eurozone governance we consider the Eurozone Council as a distinct body.

E3: EURO GROUP (1998–2010)

The Euro Group, composed of the finance ministers of the Eurozone, the Commission, and the European Central Bank, was formed by the European Council in December 1997 to “facilitate a behind-closed-doors dialogue between euro area finance ministers and the ECB president, with the Commissioner for Economic and Monetary Affairs also in attendance” (Hodson 2012: 215). According to the European Council’s declaration, the Commission and the European Central Bank are invited “when appropriate,” but apparently the ECB and Commission are always present and discussions have often been “somewhat one-sided with the ECB president taking to lecturing the ministers on fiscal discipline” (Puetter 2006: 86).

The Euro Group began life as an informal gathering under the wings of the Economic and Financial Affairs Council (ECOFIN). Until 2009, decision authority lay with the Council for Economic and Financial Affairs, which had ultimate responsibility for the coordination of national economic policies. The 1997 European Council statement that gave the green light to the Euro Group takes pains to clarify that “decisions will in all cases be taken by the ECOFIN Council in accordance with the procedures laid down in the Treaty” (European Council, Art. 44). However, from the mid-2000s and especially since the Eurocrisis, the Euro Group has become the central node for

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mutual surveillance on national economic and fiscal policy in the Eurozone. The Lisbon Treaty formalizes this by recognizing the Euro Group as a separate body (Art. 136) and specifying its powers in Protocol 14. This grants the Euro Group the authority to take decisions that bind the Eurozone countries, and it ordinarily does so by qualified majority voting.

Decision making on composition has changed over time. Initially the chair rotated among Eurozone states, but from 2005 to 2008 the Euro Group elected a permanent president for a renewable term of two years.⁴⁴ The voting rule was unspecified.^α This construction was recognized by the Lisbon Treaty which detailed that the president of the Euro Group was to be elected for two-and-a-half years by simple majority in the Euro Group council (Art. 136; Protocol, Art. 2). The Protocol explicitly states that the Commission and the European Central Bank take part in the meetings (in contrast to other EU councils) (Protocol 14, Art. 1), but only members of the Eurozone have the right to vote (Lisbon Treaty, Art. 136.2). Member states outside the Eurozone are excluded.

Given its formal recognition by the European Council, we code the Euro Group from its inception in 1998, even though the details of its operation were not given contractual form until the Lisbon Treaty.^γ It was composed wholly of member state representatives until 2005; while the Commission and the ECB sit on the body, they neither chair nor vote. From 2005 we code the Euro Group as less than completely member state because it elects its own chair. Given the strong agenda setting powers of the president, we code representation as partially indirect from 2005.^γ Until 2008, the authority to take decisions remains with ECOFIN, so we do not record decision making in the Euro Group separate from that in ECOFIN. That changes in 2009, at which point weighted voting applies.

GS1: FROM THE HIGH AUTHORITY (1952–66) TO THE COMMISSION (1958–2010)

Under the ECSC, the High Authority served as both the executive and general secretariat. From 1958, the Commission has performed the same dual role with the General Secretariat of the Commission as the managerial body of the EU and the College of Commissioners having political responsibility for management. By mid-2015, there were 23,500 full-time officials for more than half a billion EU citizens in twenty-eight member states (Hooghe and Rauh 2017: 189).

⁴⁴ According to Uwe Puetter (2006: 82), the decision was made “unilaterally” by the group and, as far as we know, no decision rule was specified (Parker 2004).

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GS2: GENERAL SECRETARIAT OF THE COUNCIL (1952–2010)

The ECSC Treaty declares that the Council is to be serviced by a permanent secretariat with an independent budget (Art. 78.2). The Luxembourgish Christian Calmes was the first secretary general, but we have no further information on the secretariat's functioning.^a The body is not mentioned in the Treaties of Rome. However, we know that the ECSC Secretariat was expanded in 1958 to serve the Councils of the EEC, the ECSC, and Euratom and it is mentioned in the Council's 1958 Rules of Procedure (Art. 17) (Hayes-Renshaw and Wallace 1997: 101–4). From the 1980s the General Secretariat (GS) becomes more involved in the substantive preparation of Council meetings, committees, and working groups, but its primary task remains organizational. By the mid-1990s its administrative staff (excluding linguists and clerical staff) had grown to 250 (Hayes-Renshaw and Wallace 1997: 105).

The General Secretariat is headed by a secretary general who is appointed by consensus (1958 Council Rules, Art. 17; 1980 Council Decision on the appointment of Niels Ersbøll). The Maastricht Treaty is the first to recognize the Council Secretariat alongside COREPER. It confirms that nominations are submitted by member states and that the candidate is appointed by the Council under consensus (Art. 151.2). The Nice Treaty changes the decision rule to qualified majority (Art. 207.2).

The procedure for removal on grounds of incompetence follows the staff rules. If the reason is incompetence or misconduct, the decision is taken by the Council.

Between 1999 (Amsterdam Treaty) and 2009 (Lisbon Treaty), the secretary general doubled as the High Representative for the Common Foreign and Security Policy (Art. J.8.3)—a post created to give the EU a single face in external affairs. The Lisbon Treaty takes that power away by merging the post of High Representative with that of the External Relations Commissioner. We code the General Secretariat of the Council starting in 1952.

CB1: THE COMMON ASSEMBLY (1952–76)

The ECSC established a Common Assembly with seventy-eight national parliamentarians as a supervisory body. Its inaugural session took place in September 1952. Countries were allotted delegates (eighteen from Italy, France, and Germany, ten from Belgium and the Netherlands, and four from Luxembourg) to be elected by national parliaments for one year (Art. 21). The Assembly discussed the High Authority's annual report, required responses to its questions from members of the Council, and could dismiss the High Authority by two-thirds majority (Arts. 23 and 24). From the start, the Assembly interpreted its competences expansively, establishing a system of standing committees that could make its preferences known to the High Authority prior to legislation (Guerrieri 2008: 185).

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The Rome Treaty maintained the Assembly as an advisory and control body with new consultative powers on the budget (Art. 203) alongside the right to dismiss the Commission by two-thirds majority (Art. 144). Beyond this, Assembly decisions are adopted by simple majority (Art. 141). While its members continue to be appointed by the national parliaments, the Treaty directs the Assembly to draw up proposals for popular election (Art. 138.3). True to form, two days into its very first session, in March 1958, the Assembly renamed itself, without the blessing of the member states, into the European Parliament (European Navigator: 3–4). The name was sanctioned in the preamble of the Single European Act, “CONVINCED that the European idea, the results achieved in the field of economic integration and political co-operation, and the need for new developments correspond to the wishes of the democratic peoples of Europe, for whom the European Parliament, elected by universal suffrage, is an indispensable means of expression” (also Art. 1). With the financial Treaties of 1970 and 1975, the European Parliament gained powers on the budget, at which point it shifts from a consultative body to an assembly. The first direct election of the Parliament took place in 1979.

CB2: FROM THE ECSC CONSULTATIVE COMMITTEE (1953–2002) TO THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE (ECOSOC) (1958–2010)

The ECSC established a Consultative Committee, appointed by the Council every two years with thirty to fifty members, composed equally of producers, workers, consumers, and dealers in the coal and steel sectors (Art. 18; see also Merry 1955: 168). The Authority is required to consult the Committee in setting general guidelines, production quotas, prices, export restrictions, financial compensation, and wages (Arts. 46, 48, 53, 60, 62, 68).⁴⁵ The Committee makes decisions by simple majority. It held its inaugural session in January 1953. The Consultative Committee was separate until 2002, when the ECSC Treaty expired and the Economic and Social Committee took over its duties.

The Rome Treaty creates a consultative Economic and Social Committee composed of 101 representatives of organized business and trade unions. Each country gets a fixed allotment of seats, roughly according to population size, and the Council appoints members for four years by unanimity (Arts. 193 and 194). Members serve in personal capacity (Art. 194). As of April 2016, the Committee has 350 members.

⁴⁵ The Treaty does not specify the decision rule for the High Authority to consult beyond the policies listed in the Treaty. Haas notes it is simple majority (Haas 1958: 43).^a

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CB3: COMMITTEE OF THE REGIONS (1994–2010)

The Committee of the Regions (CoR) was set up in 1994 as an advisory organ under the Maastricht Treaty. It originally brought together 189 representatives of regional and local governments in rough proportion to member state population. The Council appoints members (and alternate members) for four years by unanimity based on a list drawn up by each member state (Art. 198a). Members are not bound by any instructions and serve in personal capacity (Art. 198a).

The Committee of the Regions must be consulted on a list of issues affecting regional and local governments. It decides by majority vote (CoR Rules of Procedure). The Nice Treaty clarifies that members need to be directly elected or politically accountable to an elected assembly (Art. 263). The Lisbon Treaty extends the term of office to five years (Art. 263.3) and expands the issues for which consultation is obligatory. As of April 2016, the Committee has 350 members (for a recent analysis, see Piattoni and Schönlau 2015).

Decision Making

MEMBERSHIP ACCESSION

The ECSC Treaty states that “[a]ny European state may request to accede” (Art. 98). The Council fixes the terms of accession and makes the final decision by consensus after obtaining the opinion of the High Authority. Ratification is not required. We code the High Authority and the Council as initiators and the Council as taking the final decision.

The Rome Treaty introduces ratification by all member states (Art. 237). As before, the Council acts by unanimity on the opinion of the Commission. The SEA makes the Parliament a decision maker alongside the Council under the assent procedure in which the Parliament votes up or down under absolute majority (SEA, Art. 237).

In the run-up to the Greek accession in 1980, the European Council became an additional player providing an initial green light for accession negotiations and taking the final decision prior to ratification. Since the European Council could not take legally binding decisions, the decisions were consensually confirmed by the Council. The year in which we begin coding the European Council as a decisional body is open for debate. We opt for 1980, when the European Council made its final decision on Greek accession.⁷

Over the years, accession became more institutionalized. The Amsterdam Treaty pins down the geographic conditions of potential membership with a value-based component, stating that “Any European State which respects the principles set out in Article F(1) may apply to become a member of the Union” (Part I, Art. K.15). The principles are “liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law,” a direct reference to

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the Copenhagen criteria for membership, adopted at the 1993 Copenhagen Summit (Part I, Art. 8a; Schimmelfennig 2001; Vachudova 2005).

The Nice Treaty adds that “[t]he conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State” (Art. 49). This emphasizes the need for ratification by all members, but it also refers to the ongoing involvement of member states. The Commission proposes common negotiating positions for the EU for each chapter, which need unanimous approval in the Council. The Council conducts overall supervision over the negotiations; the European Commission monitors via regular progress reports and drafts the accession treaty. From the 2003 Nice Treaty we include member states as well as the Council, the Commission, and the European Council, in initiation. A draft accession treaty requires unanimous support from the European Council or the Council and the consent of an absolute majority in the European Parliament prior to ratification.

The European Council is explicitly registered in the Lisbon Treaty which states that “the conditions of eligibility agreed upon by the European Council shall be taken into account” (Art. 49).

MEMBERSHIP SUSPENSION

A suspension clause was first adopted in the Amsterdam Treaty when a member state in “serious and persistent breach” of EU principles was liable to suspension of its voting rights (Art. F.1.1).⁴⁶ The procedure is elaborate. One-third of member states or the Commission can initiate proceedings after consent of the Parliament (which decides by two-thirds majority) (Arts. F.1.1 and F.1.5). The Council, composed of heads of government, then establishes whether the member state is in breach of EU principles (by unanimity) and the Council of Ministers subsequently decides whether to suspend that member state (by qualified majority) (Art. F.1.1). We code the Commission, Parliament, and the Council (by simple majority)⁴⁷ as agenda setters and the European Council and the Council (by unanimity and qualified majority respectively) as taking the final decision.

⁴⁶ The ECSC Treaty contains a delinquency clause (Art. 88): “If the High Authority deems that a State is delinquent with respect to one of the obligations incumbent upon it by virtue of the present Treaty, it will, after permitting the State in question to present its views, take note of the delinquency in a decision accompanied by a justification.” The High Authority initiates proceedings and, if the Council concurs by a two-thirds majority, it may suspend payment of any money owed to the member state or authorize other member states to take retaliatory measures.

⁴⁷ The nearest value in our coding scheme for the minimum threshold of “one-third of member states” is a simple majority among member states in the Council. Hence the superscript ^B for an observation not precisely captured by the intervals on an indicator.

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The Nice Treaty introduces an additional possibility that involves the *anticipation* of a serious breach of principles (Art. 7.1: “a clear risk of a serious breach”), which can lead to a recommendation (rather than sanction) directed at the concerned member state on behalf of the Council acting by a four-fifths majority. The Parliament can now also initiate this step besides one-third of the member states or the Commission (Art. 7.1). Otherwise the procedure continues as before. The recommendation procedure does not appear to be a necessary step prior to suspension in case of an actual breach, so the coding does not change.

The Lisbon Treaty relocates the final decision on a breach of the Union’s basic principles from the Council to the European Council, which, as before, acts unanimously (Art. 7.2).

CONSTITUTIONAL REFORM

Under the ECSC Treaty, any member state or the High Authority can propose a treaty amendment. The Council is the gatekeeper. By two-thirds majority it decides whether to convene an intergovernmental conference, which operates under consensus (Art. 96). We code the High Authority, member states, and the Council as setting the agenda and member states as taking the final decision. Treaty reform requires ratification by all member states (Art. 96).

The Rome Treaty amends the procedure so that the Council is required to consult the Assembly (deciding by majority) before convening an intergovernmental conference. The Treaty specifies only that the Council needs to express “an opinion in favor of” calling an intergovernmental conference. This was left open until 1985, when over British, Danish, and Greek objections the European Council of Milan established that Article 236 should be interpreted to mean that an intergovernmental conference requires only a simple majority in favor (Laffan 1992: 55; de Schoutheete 2002: 32).⁴⁸ We code “decision rule not specified” until 1985, and simple majority in the European Council thereafter. At the same time, the European Council replaces the Council as agenda setter. Amendments are adopted by “common agreement” of the European Council, and ratification is required. The European Parliament does not have co-decision right.

The 2005 Constitutional Treaty was prepared under an ad hoc Constitutional Convention composed of member state-selected national representatives

⁴⁸ The conclusions of the EU Summit in Milan read: “The President noted that the required majority as laid down in Article 236 of the Treaty had been obtained for the convening of such a Conference. The Portuguese and Spanish governments would be invited to take part in that Conference. The Belgian, German, French, Irish, Italian, Luxembourg and Netherlands delegations were in favour of holding that Conference.” “European Council 28 and 29 June 1985 in Milan.” *Bulletin of the European Parliament*, PE 99 511.

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(fifteen), national parliaments (thirty), the European Parliament (sixteen), the European Commission (two), and government and parliamentary representatives of all thirteen accession candidate countries (forty-two) (Crum 2004). The decision rule was consensus as interpreted by the president of the Convention, Giscard d'Estaing (Tsebelis and Proksch 2007: 160). Its product, a Draft Treaty, became the input for an intergovernmental conference that produced the 2005 Constitutional Treaty. After its rejection in referendums in the Netherlands and France in May 2005, key elements of the procedure for constitutional reform used for the 2005 Treaty revision were codified in the Lisbon Treaty (Art. 48).

The Lisbon Treaty distinguishes between an ordinary and a simplified constitutional revision procedure (Art. 48.1). In the ordinary procedure Parliament can now also propose amendments in addition to any member state and the Commission. After consulting with the Parliament and the Commission, the European Council decides whether any proposed amendments merit further examination and, if so, calls a convention. Unusually, the European Council decides by simple majority. The Convention is composed of national parliament representatives, national governments, the European Parliament, and the Commission, and it adopts its recommendations by consensus. We code this three-stage process as the initiation of constitutional reform involving the Commission, Parliament, member states, the European Council, and national parliaments. The final decision is taken by the European Council by consensus. As before, every member state must ratify.

REVENUES

The EU has the authority to levy its own taxes and to have an independent stream of revenue. Under the ECSC, the High Authority was given the power to place a levy on the production of coal and steel, to borrow and to receive grants so that it may “procure the funds necessary for the accomplishment of its mission” (Art. 49).

The Rome Treaty introduced a scale for member state contributions to the general budget alongside a European Social Fund paid for by member states and administered by the Commission (Arts. 200 and 123). However, the ambition remained to finance the organization by own resources as a means to the Community's financial independence, and in 1970 the Council formally recognized this (Budgetary Treaty 1970; Nugent 1991: 314–15). Own resources consisted of agricultural duties, customs duties collected under the common external tariff, and from 1980, a portion of member states' value-added taxes (Council Decision 1970; Own Resources Mechanism 2007; Laffan and Shackleton 1996: 73ff.). A decision in 1988 extends the community's own resources to a percentage of member states' gross national income (GNI) as a means to balance the budget when other sources are insufficient. Today, this

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last source accounts for about 76 percent of EU revenue. The Maastricht Treaty formally states that the “budget shall be financed wholly from own resources” (Art. 201).

BUDGETARY ALLOCATION

Under the ECSC Treaty, the administrative budget and the operational budget were decided separately. We code the latter.⁴⁹ The operational budget is drafted and decided by the High Authority within a ceiling set by treaty. The High Authority had considerable latitude in deciding spending priorities over investments, subsidies, and grants to enterprises. Some expenses, including spending on increased production and to set up additional mechanisms, required individual member state consent or a simple or qualified majority vote in the Council (Chapter III). The Council could request to examine High Authority proposals and measures (Art. 26), and we include the Council in the initiation and final decision stage. Like other legal acts in the community, budgetary decisions are binding.

The Rome Treaty centralizes the budgetary procedure. While individual institutions still draw up their own budget estimates and submit them to the Commission, the latter is responsible for drafting the overall budget, with estimates that can diverge from the initial submissions. The Council takes the final decision by qualified majority after consultation with the Assembly, which can also propose amendments on some expenditures (Art. 203). Thus, we code the Commission and the Assembly as initiators of the budget and the Council as taking the final decision.

The 1970 and 1975 budget treaties introduce fundamental changes (Laffan and Lindner 2015: 222; Nugent 1991: 136–7). From 1971 the European Parliament can propose amendments on all aspects of the budget, apart from compulsory expenditures (i.e. expenditures resulting from treaty commitments), which means most things apart from agriculture (Arts. 4 and 5). It can veto Council amendments on non-compulsory spending by absolute majority and three-fifths majority (Art 4.6). Since agriculture was still by far the largest item on the budget, we focus on the rules that cover compulsory expenditure. Hence, we do not code the Parliament as co-legislator from 1970.⁷ However, the 1975 Treaty extends the Parliament’s co-decision powers over the entire budget. If the Parliament deems there are “important reasons,” it can reject the budget as a whole by two-thirds majority (Art. 12).⁵⁰

⁴⁹ Administrative expenditures were decided by the Commission of Presidents which convened the presidents of the Court, the High Authority, the Assembly, and the Council (Art. 78.3). Each body brought its own budget on salaries, allowances, pensions, and so on to the table. The Committee was presided over by the president of the Court; no decision rule is specified.

⁵⁰ In the 1970s and 1980s the budgetary process was often characterized by a chicken game between the Council and the European Parliament, which made the annual budgetary

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The Maastricht, Amsterdam, and Nice Treaties maintain the same provisions, but the Lisbon Treaty gives the Parliament full parity with the Council. Both institutions need to approve the budget, and when there is disagreement, a conciliation committee with an equal number of representatives from both sides hammers out a deal. The decision rule in the Council is qualified majority as before, while in the Parliament it switches to simple majority (Art. 314). The Lisbon Treaty also abolishes the distinction between compulsory and non-compulsory expenditure.

FINANCIAL COMPLIANCE

The ECSC was funded by own contributions, so there was no need for a non-compliance procedure. The EEC moved to member state contributions, but did not adopt a non-compliance procedure. It merely provided for the auditing of accounts by a committee of control “to ascertain that all revenues and expenditures are lawful and proper.” No procedure was put in place in case of financial non-compliance (Rome Treaty, Art. 206).⁵¹ From 1971, the community has own resources, which marks the end to regular member state contributions. So we code “rules not applicable” for 1952–7, “no written rules” for 1958–70, and “rules not applicable” from 1971.

POLICY MAKING

The European Union is the most prolific producer of rules that legally bind states. Over six decades the scope of EU rule-making has expanded from a narrow focus on coal and steel production to economic governance, social and cultural policy, research, the environment, foreign policy, immigration and asylum, fiscal coordination, and monetary policy. Notwithstanding their diversity, the decision making process for the production of such rules can be summarized in five streams. The first concerns the regulation of the coal

negotiations wrenching. Since 1988, periodic negotiations among the Commission, Parliament, and Council set out the details of inter-institutional cooperation in multi-annual financial frameworks (MMFs) of five to seven years which classify the scope of compulsory and non-compulsory spending and tie categories of spending to annual ceilings. Each MFF is laid down in a Council regulation on a proposal by the European Commission and adopted by the Council by unanimity after the consent of the European Parliament. The upshot is that the heat of the budgetary struggle has shifted from the annual to the multi-annual budget cycle (Laffan and Lindner 2015: 229–30). Over time, MMFs have become more specific. The inter-institutional agreement of May 1999 was the first to allocate the budget by individual spending headings and subheadings.

⁵¹ Interestingly, the Lisbon Treaty opens the door to explicit sanctioning of fraud, including fraud in member states (Art. 325, ch. 6, para. 4): “The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, after consulting the Court of Auditors, shall adopt the necessary measures in the fields of the prevention of and fight against fraud affecting the financial interests of the Union with a view to affording effective and equivalent protection in the Member States and in all the Union’s institutions, bodies, offices and agencies.”

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and steel sectors; the second is the common market and its flanking policies; the third is foreign and defense policy; the fourth is justice and home affairs (including immigration); and the fifth is economic and monetary coordination. The first stream is coupled with the ECSC and the second with the EEC. The third and fourth streams enter with the Maastricht Treaty, and the fifth with the Lisbon Treaty.

The main legal instruments in the ECSC Treaty are decisions, recommendations, and opinions—all of which were used by the High Authority to create a common market for coal and steel (Art. 14). We code decisions of “general applicability,” that is decisions involving classes of enterprises rather than individual enterprises (e.g. relating to production levies, pricing principles, and equalization funds) (Merry 1955: 170–1).⁵² These decisions are generally taken by the High Authority after consultation with the Consultative Committee (e.g. Art. 60 on prices). We code both the High Authority and the Consultative Committee (from 1953) in agenda setting and the High Authority as taking the final decision. On some decisions, including a decision to impose a levy greater than 1 percent on enterprises, the Council must also approve by a two-thirds majority. Only the High Authority can initiate decisions, so we code the High Authority as holding an exclusive right to initiative. Decisions are binding and do not require ratification.

The Rome Treaty broadens substantive policy making from coal and steel production to the creation and maintenance of a common market. It has three instruments: regulations, which are binding in every aspect and directly applicable; directives, which lay down binding objectives but leave the means of implementation to member states’ discretion; and decisions, which are binding only for particular agents (Art. 189). We consider the first two because they have general applicability. None requires ratification.

Regulations and directives related to the common market follow a similar procedure. The Commission has an exclusive right to initiative,⁵³ and decides by simple majority. The Council takes the final decision, generally after consultation with the Assembly or the Economic and Social Council. From 1958

⁵² During the first two years, the Authority issued fifty-four decisions affecting individual enterprises, of which forty-eight related to prices, compensation schemes, subsidies, or special charges, and six concerned cartels. These enterprise-specific decisions were generally taken by the High Authority after consultation of the Consultative Committee (e.g. Art. 60 on prices). The role of the Council was generally nearly absent in day-to-day policy making (Haas 1958: 52–6).

⁵³ The monopoly of initiative is implied by statements dispersed in the treaties signaling that the Commission acts as the gatekeeper for legislative proposals, for example: “the Council, acting up to the end of the second stage by means of a unanimous vote and subsequently by means of a qualified majority vote on a proposal of the Commission, shall fix . . .” (Treaty of Rome, Art. 20; see also Art. 21.2, Art. 33.8, Art. 38); “the provisions . . . may be amended by the Council acting by means of unanimous vote on a proposal of the Commission” (Art. 14.7); “the Commission shall make recommendations for this purpose to the States concerned” (Art. 35).

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to 1986, the threshold in the Council is consensus. This is the rule during the transition period, and, from 1966, it is because decisions are taken with the Luxembourg proviso that a member state can veto a decision deemed in its vital national interest (Arts. 14.7, 33.8, 43.2, 63, and 69). Thus, we code the Commission and several consultative bodies as agenda setters and the Council as final decision maker until the SEA.

The objective of the SEA was to reduce or eliminate non-tariff barriers to produce a single market by 1992 (Art. 8a). To this end, the Treaty introduced qualified majority in the Council and a strong agenda setting role for the European Parliament. As before, the Commission has sole initiative in drafting a proposal which then goes to ECOSOC and the Parliament. The Parliament can introduce amendments by absolute majority, which the Commission can accept or reject. If accepted by the Commission, an amendment can be accepted by the Council under qualified majority, but may be overridden only if the Council is unanimous. This makes the Parliament for the first time in its history a powerful conditional agenda setter (Marks, Hooghe, and Blank 1996; Tsebelis 1994). The Council remains the final decision maker,⁷ but it is hedged in by the requirement that it must be unanimous to block an amendment supported by the other two bodies (Tsebelis and Garrett 1997; see Hix and Høyland 2011: 68–74).

The Maastricht Treaty introduces three policy pillars, each with its own decision rules. The first, Community, pillar governs the single market and its flanking policies along with a new chapter on economic and monetary policy. The second pillar encompasses common foreign and security policy, and the third encompasses justice and home affairs. We code these as distinct policy streams from 1993 and discuss them sequentially below.

Decision making in the Community pillar is based, as before, on the Commission's monopoly of initiative and qualified or unanimity voting in the Council, but with a stronger role for the European Parliament. Alongside the cooperation procedure, the Maastricht Treaty introduces a new set-up in which the Parliament can reject a legislative proposal by absolute majority (Art. 189b). The cooperation procedure applies to transport policy (Art. 75), the implementation of economic and monetary union (EMU) (Arts. 103–5), and the adoption of new measures in health (Art. 118a), cohesion (Art. 130e), and environmental policy (Art. 130s). The new set-up, which later became known as “co-decision,” applies across the board to market policies—free movement of workers (Art. 49), freedom of establishment (Arts. 54 and 56), mutual recognition of qualifications (Art. 57), and harmonization (Art 100)—alongside normal legislation in education, health, consumer policy, trans-European networks, environment, culture, and research. In these core areas of the single market, the Commission proposes, the Council decides by qualified majority, and the Parliament can pass a proposal by simple majority in its

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first reading, or veto or amend a proposal by absolute majority in its second reading. If the Parliament and Council are at odds, the proposal goes to a Conciliation Committee composed of an equal number of parliamentary and council representatives. A proposal by a Conciliation Committee can be approved by qualified majority in the Council and by simple majority in the Parliament. If this fails, the proposal is null. Under this set-up the European Parliament has an effective veto, and from 1993, we code the Parliament as a final decision maker alongside the Council in the Community pillar.

The Amsterdam Treaty streamlines the legislative procedure for co-decision and applies it to all fields previously governed by the cooperation procedure, except the implementation of EMU (Amsterdam Treaty, revised Art. 189b). The Nice Treaty extends it further to judicial cooperation (2006 Consolidated Treaties, Art. 65), certain international economic agreements (Arts. 133 and 181a), and institutional rules within the Parliament (Arts. 190 and 191) and the ECJ (Art. 223) (Hix and Høyland 2011: 68–9). The Lisbon Treaty renames the co-decision procedure as “the ordinary legislative procedure” (Art. 294) and extends it to nearly all policy areas (except for revenues and taxation, and foreign policy) (Shackleton 2012: 136). Besides the Economic and Social Committee, we also code the Committee of the Regions as a consultative body from 1994 onwards. Starting with the Lisbon Treaty (2009), national parliaments can compel the European institutions to reconsider a draft proposal if one-third (or one-quarter for some policy areas) estimate that a policy proposal may impinge on subsidiarity.

The second pillar—foreign and defense policy (originally Common Foreign and Security Policy or CFSP)—produces joint actions addressing specific situations for EU operations and common positions setting out general guidelines to which member states must adhere. The procedure in the Maastricht Treaty for both is predominantly intergovernmental. Proposals can be submitted by a member state or the Commission (Arts. J.8 and J.9). Thus, the Commission does not have an exclusive right to initiative. The European Parliament is consulted on “the main aspects and basic choices” and can make recommendations, but has no power to raise the decisional hurdle in the Council or co-decide (Art. J.7). We code the Parliament in the agenda setting stage. The Council takes final decisions by unanimity (Art. J.3). Joint actions “commit the Member States” and they “shall ensure that their national policies conform to the common positions” (Arts. J.3 and J.2). We code both as binding on member states. Ratification is not required.

The Treaty of Amsterdam introduces greater flexibility in CFSP. Common positions and joint actions could be taken on the basis of “constructive abstention” in the Council, so that abstention by up to three member states would not prevent a common decision on the part of the remaining member

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states. This comes down to the declaration by a member state that it is not obliged to apply the decision but accepts that the decision commits the Union (Art. J.13). In our coding scheme this is equivalent to supermajority, and since up to three member states can opt out, we code a decision under this rule as conditionally binding.⁷

The Lisbon Treaty does not fundamentally alter this mode of decision making. The Treaty explicitly excludes binding legislation for “actions” and “positions” (2008 Treaty on the Functioning of the European Union, Arts. 24, 25b, and 31). The Commission’s role is somewhat strengthened by virtue of the fact that the High Representative has the authority to initiate action (Art. 30.1). While the Treaty allows for qualified majority voting in the Council, a member state retains a veto when “vital or stated reasons of national policy” are affected (Art. 31.2). Thus, we continue to code unanimity in the Council.

The third pillar in the Maastricht Treaty regulates Justice and Home Affairs (JHA). Its main instruments are joint positions, joint actions, and conventions (den Boer 1996). Conventions, the most important instrument, are adopted unanimously by the Council upon a recommendation by any member state or, on most issues, by the Commission (Art. K.3). Neither the European Parliament nor the European Court of Justice play a role (den Boer 1996). The Council recommends a convention for adoption by member states “in accordance with their respective constitutional requirements” (Art. K.3). This requires ratification by all member states and is binding once adopted.

The Amsterdam Treaty extends the right of initiative for the Commission (Art. K.6). The European Parliament now needs to be consulted and can make recommendations (Art. K.11), and we code the Parliament as a body involved in setting the agenda. Some decisions become subject to ECJ jurisprudence. Furthermore, the Treaty of Amsterdam lowers the threshold for conventions, which can enter into force for member states that ratify them once 50 percent have done so (Art. K6.2(d)). The content of the third pillar also changes considerably. On one side, several areas, including visa, asylum, immigration policy, and crossborder judicial cooperation in civil matters move to the Community pillar as of 2004; on the other, JHA now incorporates the Schengen Agreement on shared border control (Lavenex and Wallace 2005: 464–5).

The Nice Treaty focuses on decisions—in this case, legal acts that implement a joint action or common position—and we code the procedure for decisions in JHA from 2003. The European Parliament, the Commission, and member states are involved in agenda setting. Because a member state can veto a final decision taken in the Council by qualified majority for reasons of national policy, the effective rule in the Council is unanimity (Art 23.2). However,

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member states can opt out of a decision that is binding on the rest, so we code this as conditionally binding (Arts. 23.1 and 24.6; Lavenex and Wallace 2005: 465). In contrast to conventions, no ratification is required for decisions. We cease to code JHA as a separate policy stream in 2009 when the Treaty of Lisbon abolishes the three-pillar structure and absorbs nearly all JHA issues under the ordinary legislative procedure.

The Lisbon Treaty sets out the institutional framework for a fifth policy stream, economic and fiscal coordination (Arts. 120–44). The rules apply to all members of the Union, but from 2009, the Eurozone may also take decisions that apply only to the group (Protocol on the Euro Group). We code the rules as they apply to all member states but also flag the Euro Group as a major player (Arts. 136–8). Euro Group governance and EU-wide ECOFIN governance diverge from 2012, when the Euro countries adopt more stringent rules in response to the Eurocrisis (Hodson 2015).

ECOFIN monitors two major policy instruments: broad economic policy guidelines (BEPG), which are non-binding (Art. 121), and the excessive deficit procedure, which can trigger binding sanctions on member states that breach the annual 3 percent deficit limit (Art. 126). The tasks of the Euro Group are to “(a) strengthen the coordination and surveillance of [member state] budgetary discipline, (b) set out economic policy guidelines, while ensuring that they are compatible with those adopted for the whole of the Union and are kept under surveillance” (Art. 136). Non-Euro members can opt out of coercive measures and Euro-related measures (Art. 139.2).

The European Commission drafts BEPGs and produces reports on member states it deems to be inconsistent with guidelines. The Commission also initiates the excessive deficit procedure (Art. 126.3). Hence it seems reasonable to code the Commission as having a monopoly of initiative, even though observers disagree on whether its role has been curtailed (Hodson 2015: 184) or strengthened (Bauer and Becker 2014). Both ECOFIN and the Euro Group adopt recommendations or impose fines by qualified majority, excluding the violating member state. The European Parliament’s role is less than in other policy streams: it is kept informed on BEPGs (Art. 121.2) and the excessive deficit procedure (Art. 126.11), and it needs to be consulted on any revision of the rules (Arts. 121.6, 126.14). The ECB participates in the Economic and Finance Committee and in the Euro Group without voting rights. So we code the Commission, the Euro Group, the European Parliament, the Council, and Euro Group (by virtue of the Economic and Financial Committee), and the ECB in agenda setting, and the Council and the Euro Group as final decision maker. We code decisions as conditionally binding because, until a tightening of the rules in 2012 for Eurozone members, the Council uses primarily soft law, that is, peer review, benchmarking, and opprobrium to

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nudge member states to adopt specific policies. The excessive deficit procedure can lead to binding decisions, but non-Euro member states can opt out of coercive measures (Art. 139). No ratification is required.

DISPUTE SETTLEMENT

From its inception, the European Union's legal dispute settlement has been a trailblazer for supranational adjudication. The role of the European Court of Justice (ECJ) is enshrined in the Treaties and is obligatory for all member states.

The Court was set up in 1952 as a standing tribunal charged with settling legal disputes between EU member states, EU institutions, businesses, and individuals. It ensures the rule of law in the interpretation, application, and implementation of EU treaties and regulations. Under the ECSC Treaty, the Court's main function is to control the High Authority through annulment actions brought by a member state, the Council, or private actors (Arts. 33 and 35). It could also decide to annul acts of the Assembly or the Council (Art. 38). The Court consists of seven judges—"persons of recognized independence and competence"—appointed consensually by the member states for six years with the possibility of reappointment (Art. 32). The Court renders binding judgments and implies direct effect. Article 44 states that the Court "shall be executory on the territory of the Member States." The Treaty also contains a preliminary rulings clause: "When the validity of acts... is contested in litigation before a national tribunal, such issue shall be certified to the Court, which shall have exclusive jurisdiction to rule thereon" (Art. 41). Thus, national courts dealing with a matter under the Court's jurisdiction are required to refer it to the latter.

The Rome Treaty retains a strong Court of Justice, initially with a similar composition of seven judges (Art. 165), but scraps the language referring to direct effect. The Treaty introduces a new preliminary ruling procedure, under Article 177, which now makes a distinction between lower and higher courts. This has since been copied among regional courts around the world. Any national court that has to address matters concerning EEC law can ask the Court for a preliminary ruling. Where the national court is a court of last instance, it is required to do so.

The European Court of Justice asserted direct effect in the 1962 *Van Gend en Loos* case, when the ECJ declared that "the Community constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights," and following scholarship we date direct effect to this landmark ruling (Alter 2005; Burley and Mattli 1993; Weiler 1991). Until today the EU Treaty does not explicitly refer to the doctrine, yet direct effect is most expansive in the EU (Nollkaemper 2014).

ECSC Institutional Structure (1952–66)

Years		A1			E1									GS1		GS2		CB1	CB2
		Non-state selection	Indirect representation	Weighted voting	Head—agenda	Head—decision	Members—agenda	Members—decision	Non-state selection	Partial representation	Indirect representation	Reserved seats	Weighted voting	Partial veto	Select	Remove	Non-state selection	Non-state selection	
1952	Not body-specific	0	0	1		0	✓	✓	1	1	2	0	0	0			3		
	Member states														N	N			
	A1: Special Council																		
	E1: High Authority				3		3	3											
	GS1: High Authority				3		3	3											
	GS2: Council Secretariat																		
	CB1: Common Assembly															2			
	DS: European Court of Justice														✓				
1953–1966	Not body-specific	0	0	1		0	✓	✓	1	0	2	0	0	0			3	1	
	Member states																		
	A1: Special Council																		
	E1: High Authority				3		3	3											
	GS1: High Authority																		
	GS2: Council Secretariat																		
	CB1: Common Assembly															2			
	CB2: Consultative Committee																		
	DS: European Court of Justice														✓				

Note: A = automatic/technocratic procedure; N = no written rule; R = rotation; ✓ = body co-decides, but no voting rule; ← = change in status. Shaded areas refer to institutions or policy areas that are non-existent for those years.

ECSC Decision Making (1952–66)

		Accession			Sus- pension		Constitution				Budget			Com- pliance		Policy 1 (decisions)				Dispute settlement (coal & steel disputes)					
Years		Agenda	Decision	Ratification	Agenda	Decision	Agenda	Decision	Ratification	Revenue source	Agenda	Decision	Binding	Agenda	Decision	GS role	Binding	Ratification	Coverage	Third party	Binding	Tribunal	Non-state access	Remedy	Preliminary ruling
1952	Not body-specific			2	N	N		✓	0	0	2		2			2	2	3							
	Member states																								
	A1: Special Council	0	0					2			3				2	2									
	E1: High Authority	3						3			3	3			3	3									
	GS1: High Authority	3						3			3	3			3	3									
	GS2: Council Secretariat																								
	CB1: Common Assembly																								
	DS: European Court of Justice (ECJ)																		2	2	2	2	2	2	
1953–1966	Not body-specific			2	N	N			0	2			2			2	2	3							
	Member states							✓	0																
	A1: Special Council	0	0					2			3				2	2									
	E1: High Authority	3						3			3	3			3	3									
	GS1: High Authority	3						3			3	3			3	3									
	GS2: Council Secretariat																								
	CB1: Common Assembly																								
	CB2: Consultative Committee																								
	DS: European Court of Justice (ECJ)													3					2	2	2	2	2	2	

Note: A = automatic/technocratic procedure; N = no written rule; R = rotation; ✓ = body co-decides, but no voting rule; ← = change in status. Shaded areas refer to institutions or policy areas that are non-existent for those years.

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EEC/EC/EU Institutional Structure (1958–2010)

Years		A1			A2			A3			E1					
		Non-state selection	Indirect representation	Weighted voting	Non-state selection	Indirect representation	Weighted voting	Non-state selection	Indirect representation	Weighted voting	Head—agenda	Head—decision	Members—agenda	Members—decision	Non-state selection	Partial representation
1958–1966	Not body-specific	0	0	1											0	1
	Member states										✓	0	✓	✓		
	A1: Council of the EEC															
	E1: Commission of the EEC										3					
	GS1: Commission of the EEC										3					
	GS2: Council Secretariat															
	CB1: Eur. Parliamentary Assembly															
	CB2: Ecosoc															
	DS: European Court of Justice															
1967–1974	Not body-specific	0	0	1											0	0
	Member states										✓	0	✓	✓		
	A1: Council of Ministers															
	E1: Commission										3					
	GS1: Commission										3					
	GS2: Council Secretariat															
	CB1: European Parliament (from 1962)															
	CB2: Ecosoc															
	DS: European Court of Justice															
1975–1976	Not body-specific	0	0	1	0	0	0								0	0
	Member states										✓	✓	✓	✓		
	A1: Council of Ministers															
	A2: European Council															
	E1: Commission										3					
	GS1: Commission										3					
	GS2: Council Secretariat															
	CB1: European Parliament															
	CB2: Ecosoc															
	DS: European Court of Justice															
1977–1978	Not body-specific	0	0	1	0	0	0	2	2	0					0	0
	Member states										✓		✓			
	A1: Council of Ministers															
	A2: European Council											0		0		
	A3←CB1: European Parliament															
	E1: Commission										3					
	GS1: Commission										3					
	GS2: Council Secretariat															
	CB2: Ecosoc															
	DS: European Court of Justice															
1979–1986	Not body-specific	0	0	1	0	0	0	3	2	0					0	0
	Member states										✓		✓			
	A1: Council of Ministers															
	A2: European Council											0		0		

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Profiles of International Organizations

EEC/EC/EU Institutional Structure (1958–2010) (Continued)

Years		A1			A2			A3			E1							
		Non-state selection	Indirect representation	Weighted voting	Non-state selection	Indirect representation	Weighted voting	Non-state selection	Indirect representation	Weighted voting	Head—agenda	Head—decision	Members—agenda	Members—decision	Non-state selection	Partial representation	Indirect representation	Reserved seats
	A3: European Parliament																	
	E1: Commission										3							
	GS1: Commission										3							
	GS2: Council Secretariat																	
	CB2: Ecosoc																	
	DS: European Court of Justice																	
1987–1992	Not body-specific	0	0	1	0	0	0	3	2	0					0	0	2	0
	Member states										✓		✓					
	A1: Council of Ministers																	
	A2: European Council											0		0				
	A3: European Parliament																	
	E1: Commission										3							
	E2←A1: Council of Ministers																	
	GS: Commission										3							
	CB2: Ecosoc																	
	DS: European Court of Justice																	
1993	Not body-specific	0	0	1	0	0	0	3	2	0					0	0	2	0
	Member states										✓		✓					
	A1: Council of Ministers																	
	A2: European Council											0		0				
	A3: European Parliament																	
	E1: Commission										3							
	E2: Council of Ministers																	
	GS1: Commission										3							
	GS2: Council Secretariat																	
	CB2: Ecosoc																	
	DS: European Court of Justice																	
1994	Not body-specific	0	0	1	0	0	0	3	2	0					0	0	2	0
	Member states										✓		✓					
	A1: Council of Ministers																	
	A2: European Council											0		0				
	A3: European Parliament																	
	E1: Commission										3							
	E2: Council of Ministers																	
	GS1: Commission										3							
	GS2: Council Secretariat																	
	CB2: Ecosoc																	
	CB3: Committee of the Regions																	
	DS: European Court of Justice																	
1995–1997	Not body-specific	0	0	1	0	0	0	3	2	0					2	0	2	0
	Member states												✓					
	A1: Council of Ministers																	
	A2: European Council										0	0		0				
	A3: European Parliament										3			3				

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E2												E3												GS1		GS2		CB1	CB2	CB3
Weighted voting	Partial veto	Head—agenda	Head—decision	Members—agenda	Members—decision	Non-state selection	Partial representation	Indirect representation	Reserved seats	Weighted voting	Partial veto	Head—agenda	Head—decision	Members—agenda	Members—decision	Non-state selection	Partial representation	Indirect representation	Reserved seats	Weighted voting	Partial veto	Select	Remove	Select	Remove	Non-state selection	Non-state selection	Non-state selection		
																							2							
0	0	R	R			0	0	0	0	1	0												✓							
				✓	✓																				0	0				
																							0	2						
																								2						
																									0	0				
0	0	R	R			0	0	0	0	1	0												✓							
				✓	✓																				0	0				
																								0	2					
																										0	0			
0	0	R	R			0	0	0	0	1	0												✓							
				✓	✓																					0	0			
																								0	2					
																									0	0				
0	0	R	R			0	0	0	0	1	0												✓							
				✓	✓																					0	0			

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Profiles of International Organizations

EEC/EC/EU Institutional Structure (1958–2010) (Continued)

		A1			A2			A3			E1							
Years		Non-state selection	Indirect representation	Weighted voting	Non-state selection	Indirect representation	Weighted voting	Non-state selection	Indirect representation	Weighted voting	Head—agenda	Head—decision	Members—agenda	Members—decision	Non-state selection	Partial representation	Indirect representation	Reserved seats
	E1: Commission																	
	E1 Head: Commission president												✓					
	E2: Council of Ministers																	
	GS1: Commission																	
	GS2: GS of the Council																	
	CB2: Ecosoc																	
	CB3: Committee of the Regions																	
	DS: European Court of Justice																	
1998–2002	Not body-specific	0	0	1	0	0	0	3	2	0					2	0	2	0
	Member states												✓					
	A1: Council of Ministers																	
	A2: European Council										0	0		0				
	A3: European Parliament										3	3		3				
	E1: Commission																	
	E1 Head: Commission president												✓					
	E2: Council of Ministers																	
	E3: Euro Group																	
	GS1: Commission																	
	GS2: GS of the Council																	
	CB2: Ecosoc																	
	CB3: Committee of the Regions																	
	DS: European Court of Justice																	
2003–2004	Not body-specific	0	0	1	0	0	0	3	2	0					2	0	2	0
	Member states																	
	A1: Council of Ministers												2					
	A2: European Council										2	2		2				
	A3: European Parliament										3	3		3				
	E1: Commission																	
	E1 Head: Commission president												✓					
	E2: Council of Ministers												2					
	E3: Euro Group																	
	GS1: Commission																	
	GS2: GS of the Council																	
	CB2: Ecosoc																	
	CB3: Committee of the Regions																	
	DS: European Court of Justice																	
2005–2008	Not body-specific	0	0	1	0	0	0	3	2	0					2	0	2	0
	Member states																	
	A1: Council of Ministers												2					
	A2: European Council										2	2		2				
	A3: European Parliament										3	3		3				
	E1: Commission																	
	E1 Head: Commission president												✓					
	E2: Council of Ministers												2					

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EEC/EC/EU Institutional Structure (1958–2010) (Continued)

Years		A1			A2			A3			E1					
		Non-state selection	Indirect representation	Weighted voting	Non-state selection	Indirect representation	Weighted voting	Non-state selection	Indirect representation	Weighted voting	Head—agenda	Head—decision	Members—agenda	Members—decision	Non-state selection	Partial representation
	E3: Euro Group															
	GS1: Commission															
	GS2: GS of the Council															
	CB2: Ecosoc															
	CB3: Committee of the Regions															
	DS: European Court of Justice															
2009–2010	Not body-specific	0	0	1	0	0	0	3	2	0					2	0
	Member states												✓			
	A1: Council of the European Union												2			
	A2: European Council										2			2		
	A3: European Parliament										3		3			
	E1: European Commission															
	E1 Head: Commission president												✓			
	E2: Council of the European Union												2			
	E3: Euro Group															
	GS1: European Commission															
	GS2: GS of the Council															
	Other A: National parliaments															
	Other E: European Central Bank															
	CB2: Ecosoc															
	CB3: Committee of the Regions															
	DS: European Court of Justice															

Note: A = automatic/technocratic procedure; N = no written rule; R = rotation; ✓ = body co-decides, but no voting rule; ← = change in status. Shaded areas refer to institutions or policy areas that are non-existent for those years.

With the 1962 ruling, the ECJ achieves the highest possible score in our coding scheme on the seven components of dispute settlement, and this continues until the present day. In the intervening years, the scope of its jurisdiction has broadened considerably, from disputes on coal and steel in the ECSC, to trade, flanking policies, and economic integration under the Maastricht Treaty, and since 2009, to jurisprudence related to the Bill of Rights incorporated in the Lisbon Treaty.

The ECJ has also expanded institutionally. The Single European Act set up a Court of First Instance, which began work in 1989, to arbitrate cases brought by natural or legal persons, but not member states or community

Profiles of International Organizations

EEC/EC/EU Decision Making (1958–2010)

Years		Accession			Sus- pension		Constitution			Revenue source	Budget			Com- pliance	
		Agenda	Decision	Ratification	Agenda	Decision	Agenda	Decision	Ratification		Agenda	Decision	Binding	Agenda	Decision
1958–1962	Not body-specific			0	N	N			0	1			2	N	N
	Member states						✓	0							
	A1: Council of the EEC	0	0				N				2				
	E1: Commission of the EEC	3					3				3				
	GS1: Commission of the EEC	3					3				3				
	GS2: Council Secretariat														
	CB1: Eur. Parliamentary Assembly						3				3				
	CB2: Ecosoc														
	DS: European Court of Justice														
1963–1970	Not body-specific			0	N	N			0	1			2	N	N
	Member states						✓	0							
	A1: Council	0	0				N				2				
	E1: Commission	3					3				3				
	GS1: Commission	3					3				3				
	GS2: Council Secretariat														
	CB1: European Parliament						3				3				
	CB2: Ecosoc														
	DS: European Court of Justice														
1971–1974	Not body-specific			0	N	N			0	2			2		
	Member states						✓	0							
	A1: Council of Ministers	0	0				N				2				
	E1: Commission	3					3				3				
	GS1: Commission	3					3				3				
	GS2: Council Secretariat														
	CB1: European Parliament						3				3				
	CB2: Ecosoc														
	DS: European Court of Justice														
1975–1976	Not body-specific			0	N	N			0	2			2		
	Member states						✓	0							
	A1: Council of Ministers	0	0				N				2				
	A2: European Council						N								
	E1: Commission	3					3				3				
	GS1: Commission	3					3				3				
	GS2: Council Secretariat														
	CB1: European Parliament						3				3				
	CB2: Ecosoc														
	DS: European Court of Justice														
1977–1978	Not body-specific			0	N	N			0	2			2		
	Member states						✓	0							
	A1: Council of Ministers	0	0				N				2				
	A2: European Council						N								

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Policy 2 (directives, regulations)					Policy 3 (joint actions, common positions foreign policy)					Policy 4 (conventions/ decisions Justice & Home Affairs)					Policy 5 (monitoring fiscal & econ coordination)					Dispute settlement (common market/ general purpose)							
Agenda	Decision	GS role	Binding	Ratification	Agenda	Decision	GS role	Binding	Ratification	Agenda	Decision	GS role	Binding	Ratification	Agenda	Decision	GS role	Binding	Ratification	Coverage	Third party	Binding	Tribunal	Non-state access	Remedy	Preliminary ruling	
		2	2	3																							
	0																										
3																											
3																											
3																											
3																											
																					2	2	2	2	2	0	2
		2	2	3																							
	0																										
3																											
3																											
3																											
3																											
																					2	2	2	2	2	2	
		2	2	3																							
	0																										
3																											
3																											
3																											
3																											
																					2	2	2	2	2	2	
		2	2	3																							
	0																										

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Profiles of International Organizations

EEC/EC/EU Decision Making (1958–2010) (Continued)

Years		Accession			Sus- pension		Constitution			Revenue source	Budget			Com- pliance	
		Agenda	Decision	Ratification	Agenda	Decision	Agenda	Decision	Ratification		Agenda	Decision	Binding	Agenda	Decision
	A3←CB1: European Parliament						3				3	2			
	E1: Commission	3					3				3				
	GS1: Commission	3					3				3				
	GS2: Council Secretariat														
	CB2: Ecosoc														
	DS: European Court of Justice														
1980–1984	Not body-specific			0	N	N			0	2			2		
	Member states						✓	0							
	A1: Council of Ministers	0	0									2			
	A2: European Council	0	0				N								
	A3: European Parliament						3				3	2			
	E1: Commission	3					3				3				
	GS1: Commission	3					3				3				
	GS2: Council Secretariat														
	CB2: Ecosoc														
	DS: European Court of Justice														
1985–1986	Not body-specific			0	N	N			0	2			2		
	Member states						✓								
	A1: Council of Ministers	0	0									2			
	A2: European Council	0	0				3	0							
	A3: European Parliament						3				3	2			
	E1: Commission	3					3				3				
	GS1: Commission	3					3				3				
	GS2: Council Secretariat														
	CB2: Ecosoc														
	DS: European Court of Justice														
1987–1992	Not body-specific			0	N	N			0	2			2		
	Member states						✓								
	A1: Council of Ministers	0	0									2			
	A2: European Council	0	0				3	0							
	A3: European Parliament			3			3				3	2			
	E1: Commission	3					3				3				
	E2←A1: Council of Ministers	0	0									2			
	GS1: Commission	3					3				3				
	GS2: Council Secretariat														
	CB2: Ecosoc														
	DS: European Court of Justice														
1993	Not body-specific			0	N	N			0	2			2		
	Member states						✓								
	A1: Council of Ministers	0	0									2			
	A2: European Council	0	0				3	0							

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Policy 2 (directives, regulations)					Policy 3 (joint actions, common positions foreign policy)					Policy 4 (conventions/ decisions Justice & Home Affairs)					Policy 5 (monitoring fiscal & econ coordination)					Dispute settlement (common market/ general purpose)							
Agenda	Decision	GS role	Binding	Ratification	Agenda	Decision	GS role	Binding	Ratification	Agenda	Decision	GS role	Binding	Ratification	Agenda	Decision	GS role	Binding	Ratification	Coverage	Third party	Binding	Tribunal	Non-state access	Remedy	Preliminary ruling	
3																											
3																											
3																											
3																											
		2	2	3																	2	2	2	2	2	2	2
	0																										
3																											
3																											
3																											
3																											
		2	2	3																	2	2	2	2	2	2	2
	0																										
3																											
3																											
3																											
3																											
		2	2	3																	2	2	2	2	2	2	2
	2																										
3																											
3																											
2																											
3																											
3																											
3																											
		2	2	3			1	2	3			1	2	0							2	2	2	2	2	2	2
					√					√																	
2						0					0																

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Profiles of International Organizations

EEC/EC/EU Decision Making (1958–2010) (Continued)

Years		Accession			Sus- pension		Constitution			Revenue source	Budget			Com- pliance	
		Agenda	Decision	Ratification	Agenda	Decision	Agenda	Decision	Ratification		Agenda	Decision	Binding	Agenda	Decision
	A3: European Parliament		3				3				3	2			
	E1: Commission	3					3				3				
	E2: Council of Ministers	0	0									2			
	GS1: Commission	3					3				3				
	GS2: Council Secretariat														
	CB2: Ecosoc														
	DS: European Court of Justice														
1994–1997	Not body-specific			0	N	N			0	2			2		
	Member states						✓								
	A1: Council of Ministers	0	0									2			
	A2: European Council	0	0				3	0							
	A3: European Parliament		3				3				3	2			
	E1: Commission	3					3				3				
	E2: Council of Ministers	0	0									2			
	GS1: Commission	3					3				3				
	GS2: Council Secretariat														
	CB2: Ecosoc														
	CB3: Committee of the Regions														
	DS: European Court of Justice														
1998	Not body-specific			0	N	N			0	2			2		
	Member states						✓								
	A1: Council of Ministers	0	0									2			
	A2: European Council	0	0				3	0							
	A3: European Parliament		3				3				3	2			
	E1: Commission	3					3				3				
	E2: Council of Ministers	0	0									2			
	E3: Euro Group														
	GS1: Commission	3					3				3				
	GS2: Council Secretariat														
	CB2: Ecosoc														
	CB3: Committee of the Regions														
	DS: European Court of Justice														
1999–2002	Not body-specific			0					0	2			2		
	Member states						✓								
	A1: Council of Ministers	0	0		3	2						2			
	A2: European Council	0	0			0	3	0							
	A3: European Parliament		3		2		3				3	2			
	E1: Commission	3			3		3				3				
	E2: Council of Ministers	0	0		3	2						2			
	E3: Euro Group														
	GS1: Commission	3			3		3				3				

Europe

Policy 2 (directives, regulations)					Policy 3 (joint actions, common positions foreign policy)					Policy 4 (conventions/ decisions Justice & Home Affairs)					Policy 5 (monitoring fiscal & econ coordination)					Dispute settlement (common market/ general purpose)						
Agenda	Decision	GS role	Binding	Ratification	Agenda	Decision	GS role	Binding	Ratification	Agenda	Decision	GS role	Binding	Ratification	Agenda	Decision	GS role	Binding	Ratification	Coverage	Third party	Binding	Tribunal	Non-state access	Remedy	Preliminary ruling
3	3				3																					
3					3					3																
	2					0					0															
3					3					3																
3																										
																				2	2	2	2	2	2	2
		2	2	3				1	2	3				1	2	0										
					✓					✓																
	2					0					0															
3	3				3																					
3					3					3																
	2					0					0															
3					3					3																
3																										
3																										
																				2	2	2	2	2	2	2
		2	2	3				1	2	3				1	2	1										
					✓					✓																
	2					0					0															
3	3				3																					
3					3					3																
	2					0					0															
3					3					3																
3																										
																				2	2	2	2	2	2	2
		2	2	3				1	1	3				1	2	0										
					✓					✓																
	2					2					0															
3	3				3					3																
3					3					3																
	2					2					0															
3					3					3																

(continued)

Profiles of International Organizations

EEC/EC/EU Decision Making (1958–2010) (Continued)

Years		Accession			Sus- pension		Constitution			Revenue source	Budget			Com- pliance	
		Agenda	Decision	Ratification	Agenda	Decision	Agenda	Decision	Ratification		Agenda	Decision	Binding	Agenda	Decision
	GS2: Council Secretariat														
	CB2: Ecosoc														
	CB3: Committee of the Regions														
	DS: European Court of Justice														
2003–2008	Not body-specific			0					0	2			2		
	Member states	✓					✓								
	A1: Council of Ministers	0	0			2						2			
	A2: European Council	0	0			0	3	0							
	A3: European Parliament		3		2		3				3	2			
	E1: Commission	3			3		3				3				
	E2: Council of Ministers	0	0		3	2						2			
	E3: Euro Group														
	GS1: Commission	3			3		3				3				
	GS2: Council Secretariat														
	CB2: Ecosoc														
	CB3: Committee of the Regions														
	DS: European Court of Justice														
2009–2010	Not body-specific			0					0	2			2		
	Member states	✓					✓								
	A1: Council of the European Union	0	0			2						2			
	A2: European Council	0	0			0	3	0							
	A3: European Parliament		3		2		0				3	3			
	E1: European Commission	3			3		0				3				
	E2: Council of the European Union	0	0		3	2						2			
	E3: Euro Group														
	GS1: European Commission	3			3		0				3				
	GS2: Council Secretariat														
	Other A: National parliaments						✓								
	Other E: European Central Bank														
	CB2: Ecosoc														
	CB3: Committee of the Regions														
	DS: European Court of Justice														

Note: A = automatic/technocratic procedure; N = no written rule; R = rotation; ✓ = body co-decides, but no voting rule;
 ← = change in status. Shaded areas refer to institutions or policy areas that are non-existent for those years.

Europe

Policy 2 (directives, regulations)					Policy 3 (joint actions, common positions foreign policy)					Policy 4 (conventions/decisions Justice & Home Affairs)					Policy 5 (monitoring fiscal & econ coordination)					Dispute settlement (common market, general purpose)						
Agenda	Decision	GS role	Binding	Ratification	Agenda	Decision	GS role	Binding	Ratification	Agenda	Decision	GS role	Binding	Ratification	Agenda	Decision	GS role	Binding	Ratification	Coverage	Third party	Binding	Tribunal	Non-state access	Remedy	Preliminary ruling
3																										
3																										
																				2	2	2	2	2	2	2
		2	2	3			1	1	3			1	1	3												
					✓					✓																
	2					2					0															
3	3				3					3																
3					3					3																
	2					2					0															
3					3					3																
3																										
3																				2	2	2	2	2	2	2
		2	2	3			1	1	3								2	1	3							
					✓																					
	2					2									2											
3	3				3										3											
3					3										3											
	2					2									2	2										
															2	2										
3					3										3											
✓																										
3															3											
3																										
																				2	2	2	2	2	2	2