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

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Abstract

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

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

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

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

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

This paper tests a theoretical proposition that derives from the general comparative politics literature on legislatures. Specifically, we test the notion that legislatures that are

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

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

Turnover at the apex of the Council system

In most national political systems, ambitious politicians pine for ministerial seats. Ministerial office vests incumbents with high visibility and often enables discretion over the distribution of influence. But ministerial seats are generally "hotter" than legislative seats; the average legislator's term lasts longer than the average minister's term. Legislators are often able

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

But how much higher? Despite the profusion of strong, empirically based studies of the Council and the centrality of the notion of turnover in the general literature on legislatures, the field is only beginning to address this question (see Scherpereel and Perez, 2014, on which the current section is based). To fill the information gap, we have constructed a monthly database of EU ministers that stretches from April 2004 (when rules setting up the current system of configurations came into operation; see Council Decision 2004/38/EC) through May 2012. Data for states that were not EU members on 1 April 2004 begin on the date that those states acceded to membership (1 May 2004 for EU-10; 1 January 2007 for Bulgaria and Romania). Data on ministers' names come from the CIA's monthly *Chiefs of State and Cabinet Members of Foreign Governments* reports. We code ministers according to sectoral Council configuration. We do not consider the General Affairs Council in our calculations, and national ministers whose portfolios do not align with any Council configuration are coded as "other" and excluded. Our database contains 45,534 rows; each row is dedicated to an individual serving in a position that relates to a configuration in a particular month.

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

Observed turnover rates vary across countries, institutions, and temporal periods (see Table 1). The average rate of turnover for national legislatures in EU-15 states from 1979-1994 was 33 percent. The average rate of turnover for the EP between 1979 and 2009 was 44.5 percent.[1]

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

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

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

Table 2 suggests that specific configurations contributed in relatively proportional fashion to the overall trend. The standard deviation among configurations was less than four percentage points; no particular configuration was immune to high levels of turnover.

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

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

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

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

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

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

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

The effects of high Council turnover: rival hypotheses

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

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

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

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

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

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

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

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

> (1)
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> "[Staff members] will be the only institutional memory that's available, and it will be inevitable that [their] influence would rise . . . No matter how honest and bright and hard-working staff may be, legislators themselves have the primary responsibility, and, therefore, I just see this whole areas as really enshrining, if you will, legislative staff to

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

(2)

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

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

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

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

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

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

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

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

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

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

Data and models

In order to test the rival expectations embodied in these two hypotheses, we develop logistic regression models that help predict when ministers will discuss a piece of legislation themselves rather than leaving it up to the preparatory committees. These models use a subset of the legislation in Häge's (2011b) EUPOL dataset, which pulls all legislation and information about it from the Commission's legislative database, PreLex. PreLex tracks the inter-institutional decision making process. The dataset includes information about each step in a proposal's progress through the institutions, including the date, the relevant legal basis, and the person or Council configuration that was responsible. We limit the sample to legislation that was adopted using the consultation or codecision procedures and upon which the Council made both its first and final decisions between May 1, 2004 and December 31, 2012.

The dependent variable codes for whether the legislation was discussed as a B point. B points are those that the ministers actually discuss and debate in detail, whereas A points have been agreed upon at the bureaucratic level and are approved *en bloc* at the beginning of ministerial meetings. Häge (2012) suggests that there are two potential ways to code proposals. One may code whether a proposal was ever, in the course of its progress through the Council, discussed as a B point. Alternatively, one may code whether ministers discussed the proposal as a B point during the final negotiations. Häge prefers the first method, since in some cases the "final" decision may simply involve the adoption of properly translated text, rather than the final political decision. For the sake of inclusivity, we test both dependent variables. In the first two models, the dependent variable is whether the proposal was ever a B point, while in the second two models, the dependent variable is whether the proposal was a B point at its final Council

decision. For all models, we code this variable based on the EUPOL data. The variable is dichotomous; it takes a value of "0" if the proposal does not appear as a B point and "1" if it does appear as a B point.

Our key independent variable is ministerial turnover. To operationalize turnover, we incorporate annual turnover within each configuration. The EU's legislative process is a relatively long process; it generally takes proposals more than one year to make it through the system. For this reason, we present one model for each dependent variable that uses the turnover rate for the date of the first negotiations in the Council on each proposal and a second model that uses the turnover rate at the final negotiations. The first rate will impact the earlier stages of the decision-making process and has the potential to affect the process throughout. The final rate will be present in the minds of ministers and bureaucrats as they decide who should take the final decisions. Our annual turnover rates are measured between May of one year and May of the following year. Thus, if the Council's action occurs between May 1, 2004 and April 30, 2005, turnover is operationalized as the amount of turnover that occurred in that configuration between those two dates.

We also include a series of other variables that might affect whether a piece of legislation appears before the Council as a B point. These variables are similar to the measures that Häge (2012) employs in his model of whether legislation is ever discussed as a B point. The first such variable is preference divergence among the member-states. When there is more disagreement among national preferences, one would expect the legislation to be dealt with at the ministerial level. Häge (2012) uses expert surveys of party positions from one year and links those with the relevant ministers in the Council. However, he does not find this factor to be significant in any of his models.

We therefore try a different measure, based on information from Thomson et al.'s Decision-making in the EU II (DEUII) dataset (Thomson et al., 2012). The DEUII dataset brings together information from interviews with participants in EU policy-making processes, including actors from the Council, the European Commission, and the European Parliament. These data provide unique information about the various actors' preferences on particular issues within each Council configuration. Thomson et al. asked the actors to identify controversial issues in specific legislative portfolios and then to locate various actors (including each member state's delegation, the Commission, and the Parliament) along a numerical scale between 0 and 100. The scale's poles (0,100) represent extreme views on the issue at hand. We are therefore able to code preference divergence on issues in those pieces of legislation with relatively high precision.

In order to measure preference divergence for the larger sample of legislation from the EUPOL data, we take the mean preference divergence on these issues within each configuration, and use that as an indicator of the general divergence for other proposals dealt with by that configuration. While our measure may be more affected by individual proposals than Häge's measure, we believe that it is more representative of the situation "on the ground" in Council meetings. Where proposals are dealt with by multiple configurations, we use the first configuration in the models that use the first Council action date and the final configuration in the models that use the final date.

The next variable in our model codes for the level of EP involvement. As Häge (2012) argues, further involvement by the European Parliament makes it more difficult for the Council to come to an agreement (with which the EP will agree). As a result, increasing amounts of legislation are being decided in committees that include representatives from the Parliament. Thus, if the EP is given more power, the final Council action on the legislation should be less

likely to be a B point. We follow Häge (2012) in coding this as "0" if the proposal was decided by the consultation procedure or without amendment under codecision, and as "1" if there were amendments under codecision.

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

Next, we include a variable to account for possible socialization effects within each configuration. The expectation is that committees that meet more often are more likely to have internalized various norms, either of a supranational, pro-EU form that might encourage them to put European interests above their national interests, or of a committee nature, that encourage finding a solution above other considerations (Häge, 2012; Lewis, 2000). Thus, the more often the committees meet, the more likely they should be to find solutions at the committee level. Similarly, ministers that meet more often may have had a similar type of socialization, although presumably to a far lesser extent. We proxy committee meetings by the number of ministerial meetings in each configuration, since the configurations that meet more often are also likely to need more preparation work by the relevant committees. We gathered data on the frequency of ministerial meetings from the Council minutes.

Another expectation is that higher levels of uncertainty about a proposal's real-world effects should increase the likelihood that ministers will want to let committee-level experts handle the proposal. Häge (2012) measures this in two ways. First, he codes whether a comitology committee was established. Second, he codes the number of policy areas covered by a proposal. Since he finds the latter to be more significant, we use that measure. PreLex, via the EUPOL data, provides a subject area at each stage of the legislative process, so this variable is a count of how many different subjects are listed throughout the process.

Finally, we include a variable that accounts for how salient a proposal is to member-states. We expect that ministers will want to be more involved in more salient proposals and that committee decision-making will be less likely on highly salient issues. We follow Häge (2012) in coding saliency by the number of recitals in the Commission proposals. Recitals present various rationales for the proposal. More salient proposals are likely to have more reasons for creating new policy.

Results

Our results, presented in Table 6, suggest that turnover is an important and significant predictor of whether decisions are made at the ministerial or committee level. This holds true across all of the models; turnover is the only result that is consistent in all four models. The relationship supports the first hypothesis, which comes out of the general comparative literature on turnover—increased turnover at the ministerial level makes committee-level decisions in the Council more likely. Turnover is negative and significant at the .05 level ($p = .035$) in the first model, at the .01 level in the second model ($p=.012$), and at the .001 level in the third and fourth

models ($p<.000$). A 1% decrease in the turnover rate increases the odds of a ministerial decision by a factor of between 1.8% (model 1) and 5.9% (model 3). When the turnover rate is at its observed maximum of 56.25%, the first two models predict that the probability of a ministerial decision is only about .25. When the turnover rate it is at its observed minimum, 12.44%, the predicted probability is about .47. For final Council decisions (models 3 and 4), the predicted probability shifts from .01 at turnover's maximum to about .11 at minimum levels of turnover. In order to understand the real effect of high turnover in the Council, one can compare the predicted probabilities at the average rate of annual turnover for the Council, around 35%, to the average rate for the EP and national parliaments, around 9%. Depending on the model, elevated turnover in the Council leads to a difference of .095 to .141 in the predicted probability that the ministers make the decision themselves.

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The results for the preference divergence variable are counterintuitive. In the first model only, this variable is significant at the .05 level ($p = .045$). The coefficient's sign is negative, suggesting that greater differences among member-state preferences make it less likely that the final decision will be made at the ministerial level. A one-point increase in preference divergence decreases the odds of a decision being made at ministerial level by a factor of 3.5%. A change from the minimum (26.9) to the maximum (41.2) predicts a .11 decrease in the probability of a ministerial decision. In the other three models, the preference divergence variable is not significant, a finding that aligns with Häge's (2012) results. This suggests that ministers may actually tend not to make decisions about the most contentious issues.

The variable for the Council decision rule (unanimity vs. qualified majority voting) is significant only in the fourth model, where the final dates and configurations affect the likelihood of final negotiations taking place at the ministerial level (p=.035). Surprisingly, this relationship is negative, indicating that when the Council decides by unanimity, the final decision is likely to be made at the committee level rather than the ministerial level. This effect is relatively small, only changing the predicted probability of a ministerial decision by .025 when all other variables are at their mean.

The involvement of the Parliament and the amount of socialization are both only significant (at the .05 level) in the first model. The results for the EP variable are counterintuitive, indicating that greater levels of involvement by the EP increase the likelihood of decisions being made at the ministerial level. The effect is not very large, however, increasing the predicted probability of a ministerial decision by only .08 (when all other variables are at their mean). The socialization variable is in the expected direction, with more socialization (more meetings) decreasing the likelihood of a ministerial decision. The effect is even smaller than that of EP involvement, however, decreasing the predicted probability by only .01. The fact that these variables reach significance only in the first model suggests that they matter more earlier in the legislative process.

Uncertainty, as measured by policy areas, and saliency, as measured by recitals, are both significant only for whether proposals are ever discussed as a B point (models 1 and 2), but not for whether proposals are discussed as B points in the final negotiations (models 3 and 4). Uncertainty has a positive effect, contrary to expectations, and is highly significant (p<.001). When a proposal touches on more policy areas, the ministers are more likely to make at least one of the decisions themselves. This effect is quite substantial. When there is only one policy area,

the predicted probability of a ministerial decision is about .3. However, when there are the maximum of six policy areas, the predicted probability is almost 1. Saliency has a similarly large effect, but in the expected direction. At the lowest number of recitals, when saliency is low, the predicted probability of a ministerial decision is about .15. Proposals with 50 recitals have a predicted probability near .9, and those at the maximum of 104 recitals are predicted to be decided at the ministerial level with a probability of .9986. As Häge (2012) has found, saliency seems to be a strong and significant predictor of whether ministers become involved in decisions, but we find that the same does not hold for final decisions.

Conclusions

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

The implications are particularly important with regard to debates about the democratic deficit and the nature of national influence in the EU. Many of the people who participate in the Council's working groups and senior committees have worked in Brussels for relatively long periods of time. This experience promotes their socialization into various organizational norms (Lewis 2000, 2003). The literature on norms in the Council system cautions against oversimplification—experienced bureaucrats are not necessarily unreflective, nation-bashing

federalists. Still, such bureaucrats are likely to know the system and their counterparts well, to be motivated by a desire to get things done, and to view issues from a different angle than ministers with little experience in Brussels and/or the Council system and/or a particular sectoral configuration.

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

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

Table 1: Turnover in European National Legislatures

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

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

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

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

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

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

Table 4: Turnover Rates, Six-Month Rotating Presidencies

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

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

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

Table 6: Determinants of Final Council Decision-making

Variables	(1) Ever B Point First Action Dates	(2) Ever B Point Final Action Dates	(3) Final B Point First Action Dates	(4) Final B Point Final Action Dates
Turnover Rate (at First Action)	-0.0178*		-0.0608***	
	(0.00844)		(0.0161)	
Turnover Rate (at Final Action)		-0.0236**		-0.0552***
		(0.00852)		(0.0167)
Preference Divergence (at First Action)	-0.0361*		-0.0274	
	(0.0180)		(0.0396)	
Preference Divergence (at Final Action)		0.0253		0.0413
		(0.0161)		(0.0367)
Unanimity	0.286	0.241	-1.180	-1.325*
	(0.208)	(0.214)	(0.623)	(0.629)
Codecision with EP Amendment	0.371*	0.306	-0.672	-0.733
	(0.171)	(0.177)	(0.398)	(0.408)
Socialization (at First Action)	-0.0551*		0.00885	
	(0.0248)		(0.0559)	
Socialization (at Final Action)		0.0134		0.0266
		(0.0264)		(0.0608)
Uncertainty (Policy Areas)	0.996***	1.203***	-0.488	-0.400
	(0.180)	(0.192)	(0.512)	(0.522)
Saliency (Recitals)	0.0764***	0.0809***	0.00402	0.00414
	(0.00737)	(0.00797)	(0.0128)	(0.0130)
Constant	-0.873	-3.396***	0.653	-1.973
	(0.774)	(0.748)	(1.634)	(1.606)
Observations	1,133	1,057	1,121	1,057
Pseudo R-square	0.198	0.211	0.0685	0.0683
Wald chi2(7)	288.8	286.2	24.11	22.36
Prob > chi2	0	0	0.00109	0.00220

Standard errors in parentheses
*** p<0.001, ** p<0.01, * p<0.05
Logistic Regression. See text for information on variables.

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