

## Martin Bangemann, Majority voting in the enlarged European Union (1995)

**Caption:** In an article published in 1995 in the *Revue du Marché Unique Européen*, Martin Bangemann, Member of the European Commission, defends the widespread use of majority voting in the Council in order to increase the efficiency of the Union.

**Source:** *Revue du Marché unique européen. Revue trimestrielle de droit économique européen. dir. de publ. Mattera, A. 1995, n° 1. Paris: Clément Juglar. "Le vote majoritaire pour l'Union européenne élargie", auteur: Bangemann, Martin , p. 175-180.*

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## Majority voting in the enlarged European Union

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The image of the European Union paralysed in its decision-making by sheer weight of bureaucracy is already only too familiar. Community directives are regarded as highly complex, barely intelligible documents. If Europe wants to be capable of meeting fresh challenges in the future and developing its role in the international political arena, it needs to adjust some of its decision-making procedures. What are referred to as major decisions are currently subject to a unanimous vote — in effect a brake on Community activity. Future enlargements of the Union are bound to aggravate this already worrying situation. Majority voting is vital if the European Union wants to move forward, and this applies not only in relation to internal-market matters, on which we have had majority voting since 1987, but also in other areas that are considered more sensitive, such as future Treaty reforms and the accession of new Member States. What is at stake here is not ideology but simply efficiency: only with majority voting can an enlarged Europe sustain its momentum.

### **Unanimity undermines efficiency**

Unanimous voting was more or less the order of the day until 1987, even though it was legally possible for majority decisions to be taken on certain matters, such as the common agricultural policy. This meant that every decision could be blocked by a ‘no’ from any one of the Member States, who were entitled to exercise their ‘right’ of veto and did not even have to justify their stance. As a rule, the ‘right’ of veto — a feature of politics in ancient Rome — is the privilege of certain particularly important political players, such as the President in the United States, permanent members of the Security Council in the United Nations, and the Finance Ministers in some governments. In the latter case, it is not an automatic tool for blocking every decision put to the vote. Yet, when used as indiscriminately as it is in the Community, it becomes a constant hindrance to the smooth functioning of the Union.

The first problem with the system of unanimity is its damaging impact on the substance of directives proposed for adoption, many of which are seen as over-complicated and excessively bureaucratic. Too often, only the most anodyne texts — either shorn of all clauses likely to conflict with any Member State’s interests or else laden with a mass of amendments — stand a chance of acceptance by all. Each country insists that its own position should be reflected in the directive, which can thus end up so vague that it is scarcely amenable to implementation.

Unanimous voting has the further disadvantage that it encourages Member States to resort to the tactics of the blackmailer. Governments are effectively forced to block certain pieces of Community legislation in order to retain some leverage on the other countries when it comes to negotiation of their own pet projects. When the internal market was still subject to Article 100 of the EEC Treaty, with its stipulation on unanimity, it was often remarked that the Council managed to adopt directives only in batches of 10, 20 or even 30 at a time — the ‘package deal’ being a means of keeping everybody happy. Yet this type of compromise paralyses the Union, which is incapable of rapid reaction in situations where a decision is urgently needed.

And this is actually the nub of the issue: unanimous voting is a powerful disincentive to Community action. The ‘Eurosclerosis’ so characteristic of the 1970s and the first half of the 1980s is but an unfortunate illustration of the problem. This inbuilt inertia, already a significant reality in the 12-Member Union, can only be aggravated by enlargement.

Europe’s policy on former Yugoslavia is an all too graphic example of its inability to take decisions. The Union has been incapable of adopting any real position on a war being fought on its doorstep. It is hardly surprising, therefore, to see the Americans and Russians taking centre stage in the search for a solution that will bring lasting peace to the area. The absence of any clear thread in the Union’s foreign policy prevents it from shouldering its responsibilities and can only damage its standing as a major political power in the

world.

The inertia has a further cause, however. If a decision conflicts with the specific interests of a given country, that country's representative in the Union will come under heavy criticism at home for failing to exercise the 'right' of veto. The Ministers who sit in the Council of the Union and the numerous national delegates to various working groups are thus pressured into a stance of 'not an inch'. And indeed, why should they accept compromises, if proposed solutions can be rejected in their entirety? Each takes the view that, if a European directive fails to follow to the letter the position under the relevant national legislation, that directive will simply not see the light of day. While such an attitude may seem to work in the short term, it will ultimately produce the worst possible outcome. The self-same countries that applied the veto this time will, on another occasion, be forced to watch as projects of major importance to them are blocked by other Member States. European integration is thus reduced to the Member States' lowest common denominator. As the number of Member States grows, this already stifling situation will rapidly become untenable as the lowest common denominator shrinks ever smaller! A 25-member European Union, therefore, cannot work unless it adapts its voting procedures.

### **Majority voting has already been shown to work**

Through the provisions of Article 100a, the Single European Act introduced majority voting on measures related to the internal market. It was a reform that allowed the process of economic integration to progress at a much faster pace, and it made possible the establishment of the Community-wide Single Market in 1992.

The system of majority voting should not be seen as a tool for excluding minorities. It is by no means that. Indeed, as experience has proved, the 'risk' inherent in majority voting often helps to produce a unanimous decision at the end of the day because the system gives Member States an incentive to find a generally acceptable compromise. The first effect of majority voting is to improve the working atmosphere. It encourages delegates from the various countries to take account of their neighbours' problems, rather than focusing selfishly only on their own interests. A policy of integration requires a broadening of horizons, and that cannot be achieved through insistence on unanimous decision-making. The fact is that the unanimity rule encourages people to adhere rigidly to their positions, whereas majority voting fosters constructive dialogue.

Where majority voting is the rule, unanimous decisions tend to be the outcome, but where unanimity is the rule, no decisions are taken.

There is general agreement that majority voting has enhanced the effectiveness of common policy on the internal market. Yet majority voting does not apply in areas closely associated with the establishment of the Single Market: environmental, social and tax matters, for example, as well as questions concerning the free movement of persons. A number of suggestions have already been made for ways of extending majority voting to other fields. In Denmark, for example, there is a view that this type of decision-making should be applied to environmental questions as a means of forcing southern European countries to adopt higher environmental standards. Those urging such a step also argue, however, that Denmark should retain the right to enforce still more rigorous standards within its own borders. Such a position is probably unrealistic. Why should Portugal agree to the imposition of stricter standards for its products if it will still be unable to sell them in Denmark? The proposal is at odds with the philosophy of majority voting, which in fact aims to avoid the scenario of each Member State pursuing its own policy without regard to its neighbours.

Currently, decisions on amendments to the Treaty or on the accession of new Member States also lie outside the scope of majority voting. Given that the system has proved itself in relation to the internal market, surely there is a case for extending it to these areas as well?

### **Majority voting on revisions of the Treaty?**

The nuts-and-bolts case for majority voting outlined above is just as sound with regard to decisions on Treaty revision or the accession of new Member States. Here, too, an improved working atmosphere and a

reinforced sense of solidarity will serve to make the Union more effective. On matters of such importance as Treaty amendments and further accessions, the decision-making process needs to become more workable. Clearly, these decisions cannot be taken on a straightforward simple majority vote, but what must be avoided at all costs is the opposite outcome — the inability to take any decision at all.

The problem of blurred distinctions between different issues is just as real when it comes to decisions on amending the Treaty or admitting new Member States. It was used as a tactic, for example, at the time of the most recent enlargement, when issues virtually unrelated to the acceptance of new Member States had to be addressed at the same time. As the number of Member States increases, there are bound to be further instances of this type of arbitrary linkage. It is also the case that the ‘right’ of veto strengthens the hand of those already ‘in the club’, as opposed to the applicant countries. The latter thus have to make substantial concessions in order to have a chance of acceding to the Union. If, moreover, having become members, they then spend years seeking to compensate for those concessions, the Union agenda will suffer.

From a democratic perspective, majority voting is the most appropriate system. All democracies are underpinned by a decision-making process based on majority voting, and it is the only means of achieving results. While compromises may not deliver solutions universally seen as ideal, they are the only recipe for overall fairness. Almost no decision can please all sides, yet that is not an argument for rejecting decisions. The key is to weigh the advantages of European Union membership against the disadvantages of having to accept this or that compromise supported by the great majority of the partners. It is not fair that a single country should be able to block advances that the rest of the Union wishes to make.

### **Special types of majority, according to the importance of the issues**

Since decisions about amending the Treaty are highly sensitive, care needs to be taken in fixing the scope of the majority-vote procedure. As pointed out above, what is proposed here is not the simple majority system generally prevalent in democracies but rather a qualified-majority procedure. Adoption of a new directive thus requires more than a simple majority of votes. The current minimum blocking minority is not large: if Member States representing only 12 % of the Union’s population vote against a proposed directive, it will fail. There is, therefore, a serious risk that no action will be taken.

There is the further possibility of introducing, for the most sensitive issues, a voting system somewhere between the qualified majority and unanimity. Ideas already mooted include decision by consensus minus one vote, constructive abstention and use of a ‘super-qualified’ or double majority.

For example, majority decision-making could in practice take the form of a two-round voting procedure. The first ballot would take place in each Member State, possibly in Parliament but preferably by referendum — indeed, it would seem appropriate to use referendums for major decisions, such as those concerning Treaty amendments. If all the Member States decided in favour of the proposed reform, there would be no need for a second ballot: the reform would be introduced. Similarly, if there was not a qualified majority in favour of the reform, it would be defeated in the first ballot. The second ballot would be necessary only in cases where a minority of Member States, representing a small minority of Europe’s population, opposed the reform. In such cases, the second ballot would take place only in those Member States, and they would face the alternatives of accepting the reform or leaving the Union. The people of the countries concerned would thus come under pressure to take a more reasoned stance and would have to reflect sensibly on the relative advantages of Union membership, on the one hand, and rejection of the proposal on the other.

In such a scenario, a ‘no’ vote would have a cost, which is not currently the case. In the past, the focus of public discussion in the Member States has tended to shift onto aspects secondary to the proposed reforms. In polls on the Maastricht Treaty, for example, domestic politics played a decisive role. Debate was skewed by the weight of public opinion towards ‘phoney’ issues, including abortion, the dimensions of apples and the popularity of national governments, with the result that the real issue at stake — the whole complex issue of European integration — was shunted into the background.

A decision-making system based on unanimity cannot work in a Union of 25 Member States. Too many

decisions will risk rejection by one or other of them. The most reluctant Member States cannot be allowed to impose their inertia on the entire Union. The only other solution, if Europe is to retain some measure of credibility and to achieve the means of becoming more effective, is to end the 'right' of veto. This is the solution for a more responsible Europe, one in which people will have to vote in a more considered manner, rather than simply following their emotions.

As things stand, rejecting reform is too easy. By introducing majority voting, we put a price tag on such rejection. Surely — given all the advantages of participation in the European Union — we are not pitching the price too high?