

Loose Ties or Strong Bonds? The Effect of a Commissioner's Nationality and Partisanship on Voting in the Council*

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Abstract

This article studies the consequences of the increased appointment of political Commissioners for the legislative process. Based on the principal–agent relation between the Council and the Commission, it is hypothesized that governments sharing national and partisan ties with the Commissioner responsible for a legislative proposal are less likely to cast a negative vote. Analysing 687 contested legislative proposals voted upon between 1999 and 2014, it is found that a Member State is indeed less likely to vote against a proposal by the Commissioner from that Member State. Likewise, if the responsible Commissioner is a member of the same European Party Group as at least one of the governing parties, contestation is less likely. European Commissioners seem to use the discretion the EU's legislative system grants them to promote the preferences of their home country and also – to a lesser extent – their party family.

Keywords: european commission; legislative politics; council voting; principal-agent

Introduction

In the European Union's (EU's) legislative process, institutions composed of partisan actors with national constituencies – that is, the Council of the European Union (hereafter referred to as 'the Council') and the European Parliament (EP) – need to agree to proposals made by the European Commission. European Commissioners are selected by national governments that are composed of political parties and are expected to defend national interests. Consequently, it has been argued that personal characteristics of Commissioners – and especially their nationality and partisan affiliation – are important in the principal–agent relationship between governments and Commissioners (cf. Hug, 2003; Döring, 2007; Wonka, 2007; Hartlapp *et al.*, 2014). This article analyses the extent to which partisan and national linkages to the proposing Commissioner structure conflict in the Council if it arises.

Earlier analyses have already demonstrated that most Commissioners are party politicians with political careers in their home countries (for example, Döring, 2007; Wonka, 2007). In these analyses, the focus was on the partisan composition of Commissions over time as well as on the partisan and national control over Directorates-General. Furthermore, it has been argued that the Commission has become increasingly politicized over time, as evidenced by the decreasing share of independent/technocratic persons appointed as Commissioners (cf. Wonka, 2007, p. 179; Hartlapp *et al.*, 2014). The nomination of *Spitzenkandidaten* for the post of Commission president by the major party groups in

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the 2014 EP election also highlighted the partisan dimension of Commissioner appointments.

The aim of this study is to analyse the consequences of the increased appointment of political Commissioners on the structure of inter-institutional conflict in the legislative process. Based on the principal–agent relation between the Council and the Commission, it is hypothesized that governments sharing national and partisan ties with the Commissioner responsible for a legislative proposal are less likely to cast a negative vote. Previous studies have found some evidence that political parties shape voting behaviour in the Council (Elgström *et al.*, 2001; Hagemann and Høyland, 2008) and that they also provide for linkages between the Council and the EP (Hagemann and Høyland, 2010; Mühlböck, 2013). This article now focuses on the relation between the Council and the Commission and the role that nationality and partisanship play in linking these institutions. Accordingly, Member States' vote choices on 687 contested legislative proposals put forward by members of the Prodi and Barroso Commissions and voted upon in the Council between 1999 and 2014 are analysed depending on the characteristics of the responsible Commissioner.

The analysis shows that national ties ease inter-institutional decision-making in that a Member State is indeed less likely to contest proposals by the Commissioner from that Member State. If the Commissioner and at least one of the governing parties are a member of the same European Party Group, the likelihood of contestation is also lowered.

I. Linkages Between the Council and Commission

In scholarly accounts of EU policy-making, the Commission has long been treated as a technocratic – or even apolitical – actor (for example, Majone, 2001; Moravcsik, 2002, p. 613). Hence, intergovernmental bargains were deemed decisive for European integration and Commissioners were relegated to the role of faithful implementers. In contrast, Wonka has argued for conceptualizing Commissioners as political actors – at least since the adoption of the Single European Act in 1987 (2007, p. 185). Accordingly, Commissioners are expected to have policy preferences and to use the power delegated to them to act on those preferences.

The appointment process represents the initial delegation of authority from the Member States as principals to the Commissioners as their agents (see, for instance, Pollack, 1997; Tallberg, 2002). Each Member State nominates its Commissioner without outside interference. Even if a nominee is rejected during the process (requiring a qualified majority in the Council and a simple majority in the EP), no other actor apart from the national government is in a position to propose an alternative candidate (Wonka, 2007, p. 171).

The nomination stage is expected to be the most effective *ex ante* control stage principals have at their disposal (for example, Calvert *et al.*, 1989; Epstein and O'Halloran, 1994; as summarized by Reenock and Poggione, 2004). At this stage, it is decided whom to nominate in an attempt to avoid delegation-related problems such as agency slippage (Hölmstrom, 1979). When understanding the Commission as the EU's executive and the Council as one of the chambers of the legislature (for example, Franchino, 2004), the Commission can be perceived as a government coalition in which members of different parties hold cabinet positions (Cheibub *et al.*, 2004). As such, the described principal–agent relation and the resulting problems resemble those of delegating

policy-making powers to ministers of a coalition government who could favour their party's preferences over those of other coalition members (as discussed by Martin and Vanberg, 2004; 2005).

During the pre-appointment screening of possible Commissioners, governments apparently take cues from past behaviour and from the candidate's public track record, as described by Döring (2007) and Wonka (2007). This results in the nomination of high-profile national politicians who are members of a governing party – increasingly so as the Commission's role as legislative agenda-setter was strengthened through the various Treaty reforms and after the resignation of the Santer Commission (see Crombez and Hix, 2011; empirically: Wonka, 2007; Hartlapp *et al.*, 2014). The nomination process also tightened over time with increasing EP scrutiny (Kassim and Menon, 2004, p. 90). Consequently, it is expected that the extra care given to selecting agents in the nomination process pays dividends during the legislative process.

Even though Commissioners are formally the agents of all Member States, it seems reasonable to assume that the ties between a Commissioner and his or her home country are stronger than the ties with the other Member States. Commissioners are rooted in their home country's political system and are thus aware of both the relevant issues and the positions of the different decisive actors – including businesses and interest groups – on these issues. Thus, there might be policies on which political parties do not take stances, and Commissioners instead take cues from interest groups they deem decisive in their home country when forming a position (cf. Warntjen and Wonka, 2004; Klüver, 2011). Accordingly, the policy content of proposals Commissioners make is expected to generally be in line with the preferences of the Commissioner's home country. Consequently, Member States' governments should rarely be in a position to vote against a proposal coming from their 'own' Commissioner.

Hypothesis 1: (National Perspective): Legislative proposals are less likely to be contested by a Member State in the Council if the proposing Commissioner comes from that Member State.

After appointment, Commissioners are constrained in using the power delegated to them. The national governments as principals still exert influence on Commissioners, as it is they who decide on renomination and influence the Commissioner's chances of re-entering national politics. This has become increasingly important over time as a Commissioner's post is no longer necessarily the last step in a career (Vaubel *et al.*, 2012).

Procedurally, the legislative process constrains Commissioners in using the power delegated to them. Within the Commission, we can assume that a Commissioner has an information advantage over other Commissioners regarding policies within his or her portfolio and thus enjoys some 'ministerial discretion' (Hörl *et al.*, 2005; Laver and Shepsle, 1996, 1999; Martin and Vanberg, 2005; Wonka, 2008, p. 68). However, as the Council and the EP are essential for policies to be adopted, a Commissioner needs to be sensitive to the preferences of these institutions when formulating a legislative proposal (Crombez, 1997; Hartlapp *et al.*, 2014; Leuffen and Hertz, 2010; Steunenberg, 1994; Tsebelis and Garrett, 2000). However, it might not be possible (or desirable) for a Commissioner to accommodate the preferences of all Member States when introducing a legislative proposal – either because positions are not known with certainty or because

the resulting proposal would be too moderate (as discussed by Wonka, 2008 in the context of the REACH directive). Furthermore, as time elapses between a Commissioner's decision to introduce a proposal and the Council's vote on that proposal, the Commissioner faces uncertainty regarding the exact position of the pivotal government in the Council (as discussed by Boranbay *et al.*, 2015). From a Commissioner's perspective, 'no' votes are thus not entirely preventable.

From the comparative politics literature on bicameralism, shared partisanship is expected to ease inter-institutional co-operation in the legislative process (Binder, 1999). Within the Council, governments are most likely to vote with ideologically close governments (Hagemann and Høyland, 2008), and as a government's distance from the median left–right position increases, its likelihood of being in the opposition increases as well (Hosli, 2008).¹ With regard to inter-institutional coalition building and the role political parties play in linking the Council and the EP, Hagemann and Høyland (2010) show also that in this bicameral context, disagreement in the Council to some extent follows the left–right dimension. Mühlböck (2013, p. 580) finds that the European Party Group (EPG) exerts more influence on the voting behaviour of a member of the EP than the voting behaviour of that member's minister in the Council – the partisan ties between the institutions thus seem stronger than the national ties. It is thus assumed that being a member of the same EPG as a Council member is a major asset for Commissioners, as it signals shared preferences and thus promises ready co-operation (cf. McElroy and Benoit, 2010; 2012). Accordingly, it is expected that if both the national minister responsible for the portfolio of the proposing Commissioner and the proposing Commissioner himself are members of the same EPG, a negative vote is less likely.

Hypothesis 2: (Responsible Minister): Legislative proposals are less likely to be contested by a Member State in the Council if the proposing Commissioner shares partisan ties with the responsible national minister.

In addition to perceiving national governments as a coalition of relatively independent ministers, they can be perceived as collegial actors deciding collegially on a policy (cf. Andeweg, 1993). In this case, the relevant minister is expected to follow the governmental line when casting a vote in the Council. When conceptualizing partisan ties in this way, the Council vote of multi-party governments would represent a coalition compromise, possibly decreasing the visibility of partisan ties in Council voting coalitions. Focusing on the EPG means the conceptualization of partisan ties is broader here than in most previous studies, where the focus was on the linkage provided by national parties. Partisan ties can thus be shared with the governments of several Member States – and it might even be the case that the government of the Commissioner's home country is not one of them.

Hypothesis 3: (Government): Legislative proposals are less likely to be contested by a Member State in the Council if the proposing Commissioner shares partisan ties with the Member State's government.

¹ However, van Roozendaal *et al.* (2011) find that most winning coalitions are surplus majorities and not necessarily connected on the left–right policy scale.

In addition, the strength of the relationships expected in hypotheses 2a and b is assumed to vary across policy fields. Generally, conflict in the EU is expected to run across three dimensions (as discussed in Veen, 2011). First, the redistribution dimension is concerned with conflict over wealth reallocation between Member States and is therefore understood to be mostly a conflict between net receivers and net contributors to the EU budget (cf. Bailer *et al.*, 2015; Zimmer *et al.*, 2005). Second, the integration dimension is mostly concerned with the transfer of authority from the national level to the EU level. Third, the conflict along the left–right dimension is most akin to political conflict on the national level.

Whilst not all legislative proposals within a given policy field are equally policy-laden, the primarily responsible Commission Directorate-General (DG) is expected to be a good indicator of the dimension along which a legislative proposal is primarily debated. Policy fields that are contested along the redistribution dimension are expected to be more susceptible to national influence than the others, and national ties across institutions are also expected to be more pronounced in these fields. Likewise, the partisan influence on policy fields contested along the left–right dimension is expected to be higher, including a higher visibility of inter-institutional partisan ties.

Hypothesis 4: (Policy fields: redistribution): The effect of national ties on vote choice is stronger for legislative proposals subject to the redistributive conflict dimension than for other legislative proposals.

Hypothesis 5: (Policy fields: left–right): The effect of national ties on vote choice is stronger for legislative proposals subject to the left–right conflict dimension than for other legislative proposals.

To summarize, the primarily responsible Commission is expected to use his or her power to formulate legislative proposals in line with his or her policy preferences. This power is limited by the other actors involved in the legislative process, with this article focusing on the Council. By anticipating the preferences of these actors, Commissioners seek to formulate realistically ‘adoptable’ proposals, with shared nationality and partisanship expected to indicate shared preferences. Member States sharing such ties with the proposing Commissioner are thus expected to have a lower likelihood of casting a contesting vote in the Council than Member States not sharing such ties. Additionally, it is expected that the policy field influences the strength of the ties, with stronger national ties on redistributive policies and stronger partisan ties on left–right policies.

II. Voting in the Council

Besides ideology, several alternative explanations for voting coalitions in the Council have been offered. Elgström *et al.* (2001) and Mattila and Lane (2001) identify a durable north–south coalition pattern that they presume to be a manifestation of cultural similarity. In contrast, based on an analysis of contested Council voting between 2004 and 2009, Bailer *et al.* (2015) argue for an interest-driven net contributor versus net receiver pattern, just as Kaeding and Selck (2005) did. Van Aken (2013) has also recently

demonstrated that the north–south dimension is not universally applicable across policy fields, lending some support to the interest-driven interpretation of Council internal coalition building.

Furthermore, some national-level variables have been found to influence vote choice; these need to be taken into consideration when analysing Council voting. Just as the proposing Commissioner, the Member State holding the Council presidency is assumed to have a high interest in finding an ‘adoptable’ solution. Therefore, when voting on a legislative proposal, the Member State holding the presidency is expected to have a lower likelihood of contestation (Hosli *et al.*, 2011; Mattila, 2004). Additionally, Hosli *et al.* (2011) found that those Member States that joined in 2004 were less likely to oppose the Council majority than ‘older’ Member States – an effect they expect to even out as the newcomers get acquainted with the system. On a procedural level, one can expect Member States to consider the anticipated EP vote (when applicable under the co-decision procedure) when making their voting decision (cf. Hagemann and Høyland, 2010; Mühlböck, 2013). Lastly, it has been demonstrated that the salience Member States attach to a legislative proposal also affects their vote choice (Høyland and Hansen, 2014; Warntjen, 2012). Overall, from a Member State’s perspective, there are costs attached to voting ‘no’ in the Council (Novak, 2013), but it is generally argued that if Member States choose to contest a proposal, they do so to deliberately send a signal to domestic constituencies or the other Member States (Hayes-Renshaw *et al.*, 2006; Hagemann and de Clerck-Sachsse, 2007).

III. Data: Contested Voting in the Council from 1999 to 2014

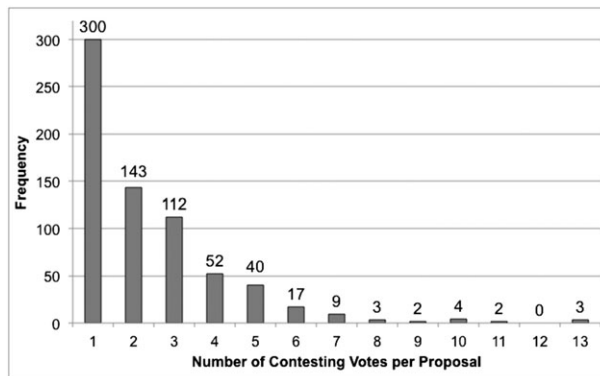
To empirically test the hypotheses, Council voting on legislative proposals put forward by members of the Prodi and Barroso Commissions will be analysed. The focus is thus on the three full Commission terms after the resignation of the Santer Commission. This event is often discussed as a watershed in the Commission’s history (cf. Dimitrakopoulos, 2004) and an event that highlighted the necessity to appoint good agents to the Member States. Accordingly, it is expected that Member States tightened their control over the Commissioners as a response to this event.

As the focus is on whether vote choices of governments in the Council depend on characteristics of the proposing Commissioner, only votes in which at least one Member State voted ‘no’ or abstained from voting are included. Consequently, neither proposals that were passed unanimously nor those that failed are considered.² Given the interest in whether partisanship and nationality structure the inter-institutional conflict, contested votes are the ones that provide the required information, whilst unanimous decision would only add considerable ‘noise’ to the data. The exclusion of unanimous votes leads to an overestimation of dissent in the Council, whilst not considering failed proposals might underestimate conflict. Overall, this dataset thus constitutes a ‘most likely’ scenario for the expected ties to be visible.

The dataset is structured as follows (see Appendix for coding and sources). The dependent variable is a Member State’s vote choice, and this is nested within both Member

² The Council only calls for votes when an agreement is certain (cf. Hayes-Renshaw *et al.*, 2006); accordingly, no voting records for unsuccessful legislative proposals are available.

Figure 1: Frequency of Contestation by a Given Number of Member States (1999–2014)



States and proposals. Member States can choose to vote in favour or against a proposal, or they can abstain from voting. For this analysis, the three categories are collapsed into the dichotomous variable ‘contestation’. This variable captures whether a Member State contested the proposal by voting against it or abstaining (1) or not (0). Figure 1 presents the number of contesting votes cast per proposal. Of the proposals in the dataset, 300 have been contested by only one Member State, whilst one proposal was contested by 13 Member States.

Based on information on the responsible Commissioner and government composition, the key independent variables were coded. ‘Country Match’ is a dichotomous variable capturing whether the responsible Commissioner comes from the voting country (1) or not (0). The responsible national minister was identified by matching Commission DGs to the portfolios of national ministries, allowing for coding the ‘Party Match Minister’ variable, coded 1 if both Commissioner and minister are members of the same EPG and 0 otherwise. Likewise, ‘Party Match Government’ captures whether the responsible Commissioner and at least one of the parties in government are members of the same EPG (1) or not (0).

As discussed earlier, the analysis includes some control variables. At the country level, ‘Presidency’ captures whether the voting Member State held the Council presidency at the time of voting, ‘New Member State’ captures whether the voting Member State joined the EU in 2004 or later and ‘Recipient’ controls for whether the voting Member State was a net recipient of the EU budget. At the proposal level, the dichotomous variable ‘Co-Decision’ is included to control for whether the vote was taken under the co-decision procedure and the variables ‘redistribution’ and ‘left–right’ control for the major conflict dimension.³ In addition, in a subset covering co-decision proposals between 1999 and 2009, the influence of salience on vote choice will be controlled for. The Appendix summarizes the coding and sources of all variables.

³ Bressanelli *et al.* (2014) classify the proposals included in their dataset according to policy type. Based on this, the major conflict dimension for the Commission DGs was classified see Appendix.

IV. Analysis

In this section, the results of the regression models are discussed. As mentioned earlier, the binary dependent variable ‘vote choice in the Council’ is hypothesized to depend on characteristics of both the Member State (Council presidency, new Member State and budgetary status) and the proposal (procedure, salience and conflict dimension). It is therefore necessary to account for this nested structure in the statistical model. However, as neither proposals are fully nested within Member States nor vice versa, cross-classified logistic regression models are estimated (Fienberg, 2007). To start with, the entire dataset will be analysed, before focusing on the effect of the main conflict dimensions and finally controlling for salience.

Table 1 provides an overview of the effects to be expected by cross-tabulating contestation with the key independent variables, that is, ‘country match’ and one of the ‘party match’ variables, respectively. Of the 15,994 votes cast, 1,638 (that is, 10 per cent) are either abstentions or no votes. Even when only looking at voting on contested proposals, the consensus amongst Member States in the Council is overwhelming.

Proposals of a Member State’s ‘own’ Commissioner are contested relatively less often than proposals made by Commissioners from other Member States. If the proposing Commissioner comes from the voting Member State, the frequency of contestation drops from 10 to 8 per cent. This is in line with the expectation that shared nationality decreases contestation, as formulated in the first hypothesis.

In the next step, the partisan variables are added. First, the effect of the variable using the narrower conceptualization – of whether the proposing Commissioner is part of the same EPG as the responsible national minister – is considered in Table 1a. This

Table 1: Contestation by Country and Party Match

		Country match						
		No Party match minister			Yes Party match minister			
		No	Yes	Total	No	Yes	Total	Total
Contestation	No	11,212	2,512	13,724	375	257	632	14,356
		90%	89%	90%	95%	88%	92%	90%
	Yes	1,278	304	1,582	21	35	56	1,638
		10%	11%	10%	5%	12%	8%	10%
	Total	12,490	2,816	15,306	396	292	688	15,994
		100%	100%	100%	100%	100%	100%	100%

		Country match						
		No Party match government			Yes Party match government			
		No	Yes	Total	No	Yes	Total	Total
Contestation	No	6,591	7,133	13,724	131	501	632	14,356
		89%	91%	90%	91%	92%	92%	90%
	Yes	839	743	1,582	13	43	56	1,638
		11%	9%	10%	9%	8%	8%	10%
	Total	7,430	7,876	15,306	144	544	688	15,994
		100%	100%	100%	100%	100%	100%	100%

partisan match slightly affects the contestation rate in that 10 per cent of the votes cast if EPGs do not match are contesting, whereas it is 11 per cent when EPGs match. This is contrary to expectations, and the effect is even larger when taking the country match variable into consideration. If Commissioner and minister come from the same country and are members of the same EPG (which in most cases means they are members of the same national party), 12 per cent of the votes cast are contesting, whereas it is only 5 per cent if they share national but no partisan ties.

Second, the conceptualization of partisan ties as whether the proposing Commissioner is part of the same EPG as any of the governing parties is used in Table 1b. Again, the effect size is small, in that a party match decreases the relative frequency of contestation from 11 to 9 per cent. This difference becomes even narrower if the proposing Commissioner comes from the voting Member State (9 per cent compared with 8 per cent). Overall, there is thus no clear influence of partisan ties on voting.

Also, when taking the control variables into account (Table 2), the country match variable has a significant negative coefficient. Member States are thus less likely to vote against proposals tabled by 'their' Commissioner than against those tabled by any other Commissioner. Based on model 2, the probability of contestation is 0.14 if the proposing Commissioner does not come from the voting Member State, and this decreases to 0.09 if she or he does.⁴ Accordingly, the odds of contestation decrease by 38 per cent (-51.93 per cent, -24.07 per cent) when changing the 'Country Match' variable from 0 to 1 whilst holding the remaining variables at their mean values.⁵ Albeit that the effect size is small, this lends further support to hypothesis 1. Likewise, if the Commissioner and at least one of the parties in government are part of the same EPG, the likelihood of a Member State contesting the proposals of that Commissioner is significantly lower. In this case, the probability of contestation decreases from 0.146 to 0.127, equivalent to a 14 per cent (-20.07 per cent, -8.13 per cent) decrease in the odds of contestation (based on model 5). This lends support to hypothesis 2b. Lastly, the effect of the narrower conceptualization of partisan ties on vote choice is contrary to the expectation, as the odds of contestation increase by 7.25 per cent (-3.9% , 10.61%) when the responsible minister and the proposing Commissioner come from the same EPG. However, this effect is not significant and hypothesis 2a is thus not supported. Overall, country match has a stronger negative effect on contestation than party match.

With regard to the control variables, a Member State holding the Council presidency at the time of voting is indeed significantly less likely to cast a contesting vote, which is in line with previous findings. Interestingly, when controlling for budgetary status, the 'New Member State' variable is not significant. Instead, Member States who are net recipients of the EU budget are generally less likely to cast a contesting vote. This lends further support to the 'objective interests' as opposed to the 'geographical similarity' understanding of voting in the Council discussed earlier. Furthermore, Member States are generally less likely to cast a contesting vote when the legislative proposal is subject to the co-decision procedure.

Furthermore, the main conflict dimension was interacted with either of the match variables (Models 9–11, Table 3). Generally, Member States are less likely to vote against a proposal that is subject to redistributive conflict – they thus seem reluctant to have their

⁴ All models estimated using Zelig's 'logit.mixed' model (Bailey and Alimadhi, 2007).

⁵ 95 per cent confidence intervals in brackets.

Table 2: Regression Results, Models 1–8

	Country match		Party match government		Party match minister			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
		+ Control variables		+ Country match	+ Control variables		+ Country match	+ Control variables
Vote level								
Country match	-0.440 (0.148)**	-0.478 (0.150)**		-0.372 (0.150)*	-0.414 (0.151)**		-0.453 (0.150)**	-0.488 (0.152)**
Party match government			-0.196 (0.057)***	-0.172 (0.057)**	-0.152 (0.058)**			
Member State level						0.006 (0.069)	0.041 (0.070)	0.033 (0.070)
Presidency		-0.526 (0.153)***			-0.524 (0.153)***			-0.528 (0.153)***
New Member State		-0.398 (0.245)			-0.409 (0.244)			-0.396 (0.245)
Contributor		-0.402 (0.151)**			-0.387 (0.150)*			-0.403 (0.151)**
Proposal level								
Co-decision		-0.402 (0.066)***			-0.394 (0.066)***			-0.402 (0.066)***
Constant (fixed effects)	-2.454 (0.129)***	-1.837 (0.155)***	-2.398 (0.131)***	-2.399 (0.132)***	-1.770 (0.156)***	-2.499 (0.129)***	-2.491 (0.130)***	-1.844 (0.156)***
Variance (proposals)	0.252 (0.502)	0.211 (0.460)	0.247 (0.497)	0.249 (0.499)	0.209 (0.457)	0.249 (0.499)	0.251 (0.501)	0.211 (0.459)
Variance (Member States)	0.422 (0.649)	0.296 (0.544)	0.418 (0.647)	0.422 (0.650)	0.292 (0.541)	0.416 (0.645)	0.421 (0.649)	0.296 (0.544)
AIC	9960	9833	9957	9953	9828	9969	9961	9834
Log likelihood	-4976	-4908	-4974	-4971	-4905	-4980	-4975	-4908
Votes	15994	15879	15994	15994	15879	15994	15994	15879
Proposals	687	685	687	687	685	687	687	685
Member States	29	28	29	29	28	29	29	28

Table 3: Regression Results, Models 9–14

	Contested proposals, 1999–2014			Co-decision proposals, 1999–2009		
	Country match (9)	Party match government (10)	Party match minister (11)	Country match (12)	Party match government (13)	Party match minister (14)
Vote level						
Country match	-0.540 (0.237)*			-0.814 (0.476)		
Party match government		-0.171 (0.069)*			-0.772 (0.483)	
Party match minister			-0.099 (0.089)			-0.778 (0.489)
Member State level						
Presidency	-0.481 (0.147)**	-0.491 (0.147)***	-0.499 (0.148)***	-1.609 (0.732)*	-1.663 (0.749)*	-1.612 (0.732)*
New Member State	-0.458 (0.237)	-0.475 (0.237)*	-0.46 (0.237)	-0.835 (0.310)**	-0.845 (0.308)**	-0.833 (0.310)**
Recipient	-0.353 (0.164)*	-0.325 (0.164)*	-0.339 (0.163)*	-0.543 (0.262)*	-0.560 (0.261)*	-0.551 (0.263)*
Proposal level						
Recitals						
Co-decision	-0.416 (0.069)***	-0.377 (0.068)***	0.384 (0.068)***	0.031 (0.010)**	0.030 (0.010)**	0.031 (0.010)**
Redistribution	-0.199 (0.069)**					
Left–right		0.357 (0.094)***	0.280 (0.079)***			
Country match * redistribution	-0.032 (0.314)					
Party match gov * left–right		-0.076 (0.120)				
Party match min * left–right			0.166 (0.145)			
Constant (fixed effects)	-1.709 (0.153)***	-1.872 (0.152)***	-1.935 (0.150)***	-5.720 (0.393)***	-5.552 (0.400)***	-5.694 (0.394)***
Variance (proposals)	0.227 (0.476)	0.214 (0.463)	0.214 (0.463)	4.198 (2.049)	4.049 (2.012)	4.175 (2.043)
Variance (Member States)	0.256 (0.506)	0.255 (0.505)	0.256 (0.506)	0.189 (0.434)	0.183 (0.428)	0.191 (0.437)
AIC	9803	9796	9806	2073	2074	2075
Log likelihood	-4891	-4888	-4893	-1029	-1028	-1028
Notes	15675	15675	15675	13052	13052	13052
Proposals	625	625	625	462	462	462
Member States	28	28	28	27	27	27

dissent on money matters registered. In contrast, Member States are more likely to vote against a proposal that is subject to left–right conflict. Contrary to the expectations formulated in hypotheses 3a and 3b, however, national ties are not stronger for redistributive proposals; nor are partisan ties stronger for left–right proposals. The hypotheses are thus not supported.

Additionally, I have controlled for the effect a proposal's salience has on the likelihood of contestation (Models 12–14, Table 3). Bresanelli *et al.* (2014; Reh *et al.*, 2013) have coded the number of recitals for co-decision proposals between 1999 and 2009. In this subset, salience has a significant positive effect on contestation. Member States are more likely to contest proposals with more recitals – conflict is thus more likely to arise over legislation that ‘matters.’ Furthermore, all of the key independent variables have the expected negative effect on contestation; however, they fail to reach statistical significance. The effect of the control variables does not change.

Finally, the models were estimated for the pre-enlargement (up to May 2004) and post-enlargement periods separately. Overall, the effects of the main independent variables are stable in the two time periods (both in terms of direction and significance). However, the co-decision variable only has a negative effect on the likelihood of contestation in the post-enlargement period. This corresponds to the post-Nice period, in which the scope of the co-decision period has been considerably extended. In the pre-enlargement period, only 6 per cent of the votes were on co-decision proposals, whilst this was 67 per cent in the post-enlargement period.

Discussion and Conclusion

This article analysed the vote choice of Member States in the Council on 687 contested legislative proposals voted upon between 1999 and 2014. The central question was the extent to which shared national and partisan ties with the responsible Commissioner affected governments' vote choice. Even when focusing only on votes in which at least one member of the Council abstained from voting or voted against the proposal, consensus is overwhelming, and the effect sizes of variables further reducing the likelihood of contestation are small. Still, a Member State is significantly less likely to vote against a proposal by a Commissioner coming from that Member State. Likewise, if the Commissioner and at least one of the governing parties are members of the same EPG, the likelihood of contestation is also further reduced. Interestingly, this is not the case if the Commissioner and the responsible national minister are members of the same EPG. These effects are stable across policy fields, contrary to the expectation that the effect of country match on vote choice would be stronger for redistributive proposals and the effect of party match would be stronger for left–right proposals. Shared national and partisan ties thus ease inter-institutional decision-making, with nationality taking precedence over partisanship.

European Commissioners seem to use the discretion the EU's legislative system grants them to promote the preferences of their home country and also – to a lesser extent – their party family. By taking these into consideration when drafting legislative proposals, they lower the likelihood of contestation. However, the legislative process might limit the visibility of partisan ties by ‘watering down’ the proposal's regulative content. That is, when a proposal reaches the voting stage, and with a view to accommodating a sufficient number of Member States, it is possibly so moderate that the partisan identity of the

proposing Commissioner is no longer identifiable. Accordingly, Member States do not necessarily vote along party lines. In contrast, national ties are more visible and thus might be taken to be more important when making a vote choice. Additionally, national ties are potentially relevant in all policy areas, whilst the importance of partisanship is more likely to vary across policy fields. To further test these relations, it thus would seem valuable to trace the development of legislative proposals and the influence different actors have on their positioning, as well as conducting interviews with involved actors (cf. Burns, 2004; Klüver, 2011).

Overall, the allocation of Commissioner portfolios has implications for the policy-making process. Member States are thus expected to care not only about which portfolio their 'own' Commissioner obtains but also about the partisan affiliation of the Commissioners in charge of other portfolios important to them. Hence, individual Commissioners matter and taking their preferences into consideration adds to our understanding of the legislative process; Commissioners should therefore no longer be seen as technocratic but political actors.

Partisan control mechanisms are expected to become more prominent as the number of Commissioners eventually drops below the number of Member States, as mandated by the Treaty of Nice. It also remains to be seen whether partisan links will be more visible in the future as a result of acknowledgement of the partisan dimension of Commissioner nomination through the nomination of *Spitzenkandidaten* during the 2014 EP election. This would further increase the comparability of the EU to national polities, including government–opposition dynamics and formal coalition formation. As political parties are pivotal in holding national ministers accountable (Müller, 2000), acknowledging that European Commissioners are not as independent as they are supposed to be might then serve to enhance accountability, thereby counteracting the EU's 'democratic deficit'.

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Appendix: Operationalization and Sources

	<i>Operationalization</i>	<i>Source</i>	<i>Mean</i>
Dependent Variable	Whether the voting member state voted against the proposal/abstained from voting (1) or not (0).	Hayes-Renshaw <i>et al.</i> (2006): contested voting 1998–2004; Hosli <i>et al.</i> (2011): all votes 2004–2006; Buhl and Rasmussen (2012): all votes	0.10
Contestation			

	<i>Operationalization</i>	<i>Source</i>	<i>Mean</i>
Independent Variables			
Country Match	Whether the responsible Commissioner comes from the voting member state (1) or not (0).	2006–2012; VoteWatch Europe (2015); all votes since 2009	0.04
Party Match	Whether the party of the proposing Commissioner and at least one of the parties in government in the voting member state belong to the same European Party Group (1) or not (0).	Responsible Commissioner identified via PreLex; Biographical information on Commissioners from Hartlapp <i>et al.</i> (2014); information on government composition obtained from Döring and Manow (2015) as well as several issues of the EJPR Political Data Yearbook	0.53
Party Match Minister	Whether the party of the proposing Commissioner and the party of the responsible national minister in the voting member state belong to the same European Party Group (1) or not (0).		0.19
Presidency	Whether the member state held the Council presidency at the time of voting (1) or not (0).		0.04
New Member State	Whether the voting member state joined the EU in 2004 or later (1) or not (0).		0.35
Recipient	Whether the voting member state was a net-recipient of the EU budget in the year of voting (1) or not (0).	Various issues of the EU's financial reports	0.52
Co-Decision	Whether the proposal vote upon was subject to the co-decision procedure (1) or not (0).	PreLex	0.55
Redistribution	Whether proposals from the responsible DG are mostly contested along the redistribution dimension (1) or not (0). Redistributive DGs: DG Agriculture, DG Budget, DG Climate Change, DG Energy, DG Enterprise and Industry, DG Environment, DG Health and Consumer Protection, DG Maritime Affairs and Fisheries, DG Mobility and Transport, DG Regional Affairs, DG Transport	PreLex; Bressanelli <i>et al.</i> (2014)	0.57
Left-Right	Whether proposals from the responsible DG are mostly contested along the left-right dimension (1) or not (0). Left-right DGs: DG Competition, DG Development Cooperation, DG Education and Culture, DG Economic and Financial Affairs, DG Employment, DG Justice and Home Affairs, DG Research, DG Taxation and Customs Union as well as DG Trade		0.26
Salience	Number of recitals, co-decision proposals 1999-2009	Reh <i>et al.</i> (2013); Bressanelli <i>et al.</i> (2014)	17.97

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