A Veto Player’s Game?
- Comparing EU Coordination Systems in Germany and Denmark

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Abstract:
What are the key explanatory factors that determine how national EU coordination systems are organised? This paper examines this question based on a structured focused comparison of EU coordination in Germany and Denmark. The comparison between these two dissimilar coordination systems demonstrates how veto players can account for some of the variation. First, veto players do not impact the degree of centralisation in the coordination systems as previously highlighted in the literature. The degree of centralisation is rather a function of the degree of ministerial autonomy in a political system. Second, in political systems with minority governments, the position of parliaments will be stronger in the coordination system because the opposition parties have veto power compared to systems with majority governments. Third, sub-national units in federal states will, if they are veto players with diverging preferences, have a stronger position in the coordination system compared with sub-national units in unitary states.

Key words: Veto players, EU coordination, Europeanisation, Core executives, Germany, Denmark
**Introduction**

What are the key explanatory factors that determine how national EU coordination systems are organised? This paper examines this question based on a structured, focused comparison of EU coordination in Germany and Denmark. Member states of the European Union (EU) are represented in the Council of Ministers, where they are expected to send representatives who are authorised to commit the government of that member state to a specific position in the negotiations. These national representatives usually act in accordance with the instructions from their national government. In order to develop such instructions for their representatives, all member states have established an EU coordination system (Kassim et al. 2000; 2003a; 2005; Goetz 2005).

Without going into the extensive debate on the concept of coordination itself (for an overview see Wright 1996, Goetz 2000, Kassim 2000 and Nedergaard 2008), an EU coordination system can be defined as a structure containing interlinked governmental units with the function of coordinating national EU-related activities so that a national negotiation position can be presented in the Council of Ministers. Identifying the key explanatory factors behind national EU coordination systems is highly important, as the systems are the key device for identifying national preferences in regard to the EU.

Studies of EU coordination systems have undergone a number of stages (Burnsens 2008: 116-118). In the early days we find a group of descriptive studies which map the structures and processes of the coordination systems (Wallace 1973; Metcalfe 1994; Pappas ed. 1995). Despite their descriptive nature, these studies implicitly draw on organisation theory and uncover a number of important findings in regard to how the coordination systems are organised. In the next stage of research, analytical frameworks based on neo-institutional theory are developed to account for cross-country
variation in coordination systems. Generally, these studies find a considerable degree of divergence which is accounted for by the impact of pre-existing institutions in the member states (Wright 1996; Harmsen 1999, Kassim et al. 2000, Bulmer and Burch 2001, Kassim et al. 2001). Yet these studies are not able to single out exactly which institutions matter most in regard to the way in which national coordination systems are organised. In the third stage of examination, more stringent analytical approaches are developed within the research agenda of Europeanisation with the purpose of accounting for variation in domestic coordination systems (Wessels et al. 2003, Bulmer and Lequesne’ed. 2005; Dimitrovaand Toshkov 2007). Notwithstanding their analytical sophistication, these studies still have problems in linking theory with empirical data due to a lack of clear indicators as already pointed out by Goetz (2000).

This study seeks to advance our level of knowledge about the determinants behind national coordination systems by first generating a set of hypotheses based on a modified version of the rational choice informed veto player approach. Second, the research design is set out and the hypotheses are operationalised via a number of indicators. Third, the coordination systems in Germany and Denmark are outlined and compared. Fourth, the paper concludes and avenues for future studies to pursue are identified.

**Analytical framework**

The study of Europeanisation, which focuses on the impact of European Integration on the member states, has illuminated an array of mediating factors that influence how the member states respond to stimuli coming from the EU (Héritier et al. 2001; Cowles et al. 2001; Featherstone and Radaelli ed. 2003; Graziano and Vink ed. 2008). Mediating factors range from abstract concepts such as norm entrepreneurs, technocratic capture potential, and policy discourses (Cowles et al 2001; Bör-
zel and Risse 2003; Radaelli 2003) through to concrete attributes of a political system such as the type of state (federal vs. unitary), the type of executive (united vs. fragmented) and the reform capacity of bureaucracies (strong vs. weak) (Schmidt 2002; Knill 2001). A promising approach that amalgamates abstract and tangible mediating factors is the concept of veto player (Caporaso 2007). According to Tsebelis (1995, 2002), veto players can be defined as actors whose support is necessary to change the status quo.

Several hypotheses can be generated on the basis of the veto player approach. At the heart of the concept lies the proposition that the more veto players in a political system and the greater the ideological distance between them, the more difficult it will be to change the status quo (Tsebelis 2002: 3). From this it follows that the design of the coordination system is expected to be influenced by the constellation of veto players in a political system. Coordination systems embedded in political systems with many veto players are not expected to have a strong authoritative centre facilitating coordination. Instead, the coordination systems are more likely to be decentralised to encompass the different veto players. The first hypotheses can thus be formulated as follows:

\[ H_1: \text{The more veto players, the less centralised the coordination system will be.} \]

The second hypothesis that can be derived deals with the relationship between the government and the parliament. According to the veto player approach, it is not necessary to differentiate between majority and minority governments (Tsebelis 2002: 93-99). This line of argumentation has been questioned in the comparative politics literature (Strøm 2000; Ganghof 2002). Minority governments may not have a monopoly on agenda-setting powers and can therefore be confronted with proposals from the opposition that can garner the necessary support from other opposition parties or are sometimes supported by parties in the government so that alternative majorities appear.
In the context of EU coordination systems, the distinction between minority and majority government is expected to be important. In the former case, opposition parties may impose strong checks on the government in order to control its room for manoeuvre at the European level. In the latter case, government parties, assuming they are cohesive, have no interest in placing restrictions on themselves. From this the second hypothesis can be formulated:

**H2. Parliaments will have stronger control of the executive under a minority government because they are veto players, whereas under a majority government they are not.**

The third hypothesis concerns the structure of the state, where sub-national units of federal states can be classified as veto players if they are granted the right to veto legislation (Tsebelis 2002: 139-143). Yet the veto power is conditional upon different party compositions in the two chambers of the parliament (ibid.). This line of reasoning, however, overlooks the fact that the conflict dimension in a bicameral legislature not only has to be partisan, but can also be institutional or territorial due to the fact that the second chamber is elected on the basis of a regional electorate in contrast to the nationwide electorate of the first chamber. The chamber representing sub-national units may block legislation despite majority congruence in order to safeguard institutional prerogatives or protect specific constituents.

Applying this argument to the structure of EU coordination systems, it can be expected that sub-national units of federal states, if granted veto powers, will use these to seek to influence decision-making in Brussels. In contrast, sub-national units of unitary states will be in a less favourable position to preserve their influence as they are not granted the right to veto legislation. The third hypothesis can thus be formulated as follows:
**H 3:** Sub-national units of federal states will, if they are veto players and assuming diverging preferences, have a stronger position in the coordination system compared with sub-national units of unitary states.

**Research design**

The research design is based on the method of structured focused comparison, which entails that the process of coordination is traced on a range of dimensions according to the same set of collection criteria (George and Bennet 2005: 67). The paper focuses on Germany and Denmark, which vary considerably in regard their coordination systems. The German system is characterised as being decentralised as no single actor controls the process of aligning domestic preferences, whereas its Danish counterpart is classified as centralised as the Ministry of Foreign Affairs is granted the overall responsibility for coordination (Kassim 2003a). An explanation for some of this variation is expected to be found in the configuration of veto players in each political system.

The coordination systems will be disaggregated to create cases-within-cases by examining three key dimensions along which coordination normally takes place at the national level (Wessels 2003): (1) central coordination – coordination within the government; (2) parliamentary coordination – coordination between the parliament and the government; (3) decentralised coordination between the government and sub-national units. The table below operationalises the three hypotheses developed above and identifies a battery of indicators for each in order to assess their explanatory value.

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1 The paper relies on different sources: political and administrative papers describing the coordination systems; academic literature on EU coordination systems; interviews with key actors who are or have been involved in the coordination process from the two member states. References to interviews are indicated by ‘In’ followed by the informant’s institutional affiliation and the month and year of the interview.
Table 1. Operationalisation the constellation of veto players

<table>
<thead>
<tr>
<th>Independent variables</th>
<th>Dependent variables</th>
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<tbody>
<tr>
<td><strong>H 1: Number of veto players (increase)</strong></td>
<td>Coordination systems’ degree of centralisation and formal procedures (decrease)</td>
</tr>
<tr>
<td>- following Tsebelis’ classification plus own adjustment</td>
<td>- The existence of a centre in the coordination system</td>
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<td></td>
<td>- Procedural authority given to centre</td>
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<td></td>
<td>- Substantial authority given to centre</td>
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<td></td>
<td>- Location of centre in ministerial system</td>
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<td><strong>H 2: Veto power of the opposition in first chamber (yes/no)</strong></td>
<td>Strength of parliaments in controlling the government (strong/weak)</td>
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<tr>
<td>- Germany (no) / Denmark (yes)</td>
<td>- assent necessary when defining government position</td>
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<td>- amount of information given to sub-national units</td>
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<td>- time when information is given</td>
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<td>- number of cases examined</td>
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<td></td>
<td>- involvement of specialised committees</td>
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<tr>
<td><strong>H 3: Veto power via second chamber (yes/no)</strong></td>
<td>Strength of sub-national units (strong/weak)</td>
</tr>
<tr>
<td>- ability of second chamber to block legislation</td>
<td>- assent necessary when defining government position (yes/no)</td>
</tr>
<tr>
<td>- Germany (yes) / Denmark (no)</td>
<td>- amount of information given to sub-national units (all-none)</td>
</tr>
<tr>
<td></td>
<td>- time when information is given (early-late)</td>
</tr>
<tr>
<td></td>
<td>- number of cases examined (all-none)</td>
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<td>- involvement of specialised committees</td>
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In order to operationalise the *independent variable*, the constellation of veto players in each political system must be identified by looking at actors who are assigned veto power by the constitution (i.e., the institutional veto players) and actors whose veto power is contingent upon the partisan setup (i.e., partisan veto players) (Tsebelis 2002: 85–86).

According to the German Basic Law (*Grundgesetz*), there are three institutional veto players in the political system: the Bundestag (article 38–49), the Bundesrat (article 50–53a), and the Constitutional Court (*Bundesverfassungsgericht*) (article 94–104). The Bundestag can be broken down into a number of partisan veto players. The centre-right majority coalition government elected in September 2009 comprises three partisan veto players: the Christian Democratic Union (CDU), the Christian Social Union of Bavaria (CSU) and the Free Democratic Party (FDP). The Bundesrat should, according to Tsebelis (2002), be absorbed if the coalition government in the Bundestag also enjoys a majority in this chamber. However, as argued, this may make sense if the conflict dimension is socio-economic but not if it concerns the balance of power between the two chambers. In other words, the Bundestag is perceived as a veto player regardless of its party composition.

The Danish unicameral parliament – the *Folketing* – is the only institutional veto player in the political system according to the constitution (*Grundlov* 1953 – Article 3). Minority coalition governments have been the norm in the Danish political system since 1973 (Kurrild-Klitgaard et al. 2000) and the centre-right government elected in 2007, comprising the Liberals and the Conservatives, is no exception. Contrary to Tsebelis’ contention (2002), the opposition can be considered as a veto player, as was argued in the analytical framework. It is not possible to assign veto power to a specific party in the opposition – though the government has a fixed party supporting it – as majorities are formed case-by-case as far as the EU cases are concerned. Despite the fact that the government pos-
susses some agenda-setting powers through the right of making the last amendment, it has, in several instances, been faced with alternative majorities or has been forced to make considerable concessions to the opposition to enable policy to be passed (Damgaard 1992; Ganghof and Brauninger 2006). Thus, the opposition parties are considered a veto player.

**Comparing EU Coordination in Germany and Denmark**

**Central coordination in Germany**

The German EU coordination system is based on a division of labour between the Ministry of Foreign Affairs (*Auswärtiges Amt* - AA) and the Ministry of Economics and Technology (*Bundesministerium für Wirtschaft und Technologie* - BMWi). The former is responsible for intergovernmental and intra-institutional affairs concerning Coreper 2, while the later is responsible for coordinating sector policies concerning Coreper 1 (In_GPR_Feb_2010).

The German coordination system is decentralised, and coordination competence is given to the ministry most concerned with the EU policy at hand (*Federführendes Ministerium*) (In_GPR_Feb_2010). The responsible ministry coordinates within its own jurisdiction, with other ministries, and with the two chambers of parliament (In_AA_Apr_2010). Intra-ministerial coordination is handled at the lowest level that processes technical matters, while political issues are pushed upwards in the system (In_BMWi_Apr_2010). First, the ministry defines a house position, which is then accepted by the minister. Next, the inter-ministerial coordination process strives to reach a common position with the other ministries (*Resort Abstimmung*). Based on this coordination, the lead ministry will prepare the instruction for the Permanent Representation in Brussels on the agreed-upon position. However, in general, the lead ministry has a great leverage in determining the negotiation position unless the case is of high political salience (In_AA_Apr_2010;
In accordance with the ‘federal ministries’ order of business’ (Gemeinsame Geschäftsordnung der Bundesministerien), the ministry responsible for coordination must consult affected interest groups (In_CDU_Feb_2010).

All ministries in Germany have established EU units (Europabeauftragte) responsible for both intra- and inter-ministerial coordination (Wessels et al. 2003: 125). Moreover, all ministries have appointed an EU delegate who is responsible for connecting the internal information and functioning as a point of contact with the world outside the ministry. To overcome problems not solved through horizontal self-coordination, a hierarchical system is used (Wessels and Rometsch 1996: 74; In_BMWi_Apr_2010).

The ‘Cabinet of Ministers’ (Ministerkabinett), which discusses EU cases, is at the top of the hierarchy. The committee meets every Wednesday morning in the Chancellery. In many cases, however, political disagreements and deadlocks on EU issues are dealt with informally in the ‘collation round’ (Collation Runde), comprised of the leader from different parties and their respective state secretaries (Int_CDU_Feb_2010). Compared with the Cabinet of Ministers, the collation round has the advantage of being less formal as a problem-solving mechanism. The level below comprises the State Secretaries Committee for European Affairs (Staatssekretärsausschuss für Europafragen). This is composed of EU State Secretaries from the ministries who meet every five or six weeks to settle problematic cases (In_AA_Apr_2010). Together, it takes a binding decision by common agreement. The two permanent representatives in Brussels also participate but do not have any decision-making powers.
The next level is the European Affairs Directors General (Europa-Abteilungsleiter), which tries to identify and solve inter-ministerial conflicts at an early stage and follow up on decisions made by the State Secretaries’ Committee. The group is comprised of heads of departments for EU affairs in the various ministries and meetings are co-chaired by the Ministry of Foreign Affairs and the Ministry for Economics, with the Permanent Representation in Brussels also participating. At the level below is the ‘Committee Regarding Briefing of the Permanent Representation in Brussels’, which is responsible for the information flow between Berlin/Bonn and Brussels and for taking care of problems. The committee is comprised of heads of departments from different ministries who meet weekly in the Foreign Office to coordinate instructions and convey them to the Permanent Representation in Brussels. Below the weekly meetings is the Ministry of European Affairs Officers (Europabeauftragte der Ministerien), which is comprised of low-ranking civil servants from different ministries who discuss the agendas of both CorepPers to delegate tasks and identify critical points. The meetings are chaired by the Ministry of Foreign Affairs and the Ministry of Economics who take turns in proceeding over the sessions (In_AA_Apr_2010).

The different levels function like the structure of the Council of Ministers as a sorting system with the goal of ensuring that decisions are made at the most appropriate level. In addition, the Chancellor’s Office has established EU units that mirror the portfolios of the ministries (In_KA_June_2011). As a last resort, the Chancellor’s Office plays a disciplinary role in solving problems, though this responsibility is somewhat undefined and varies depending on the topic and the personality of the Chancellor.
Central EU coordination in Denmark

In Denmark, the sectoral ministries are initiators in the EU coordination process. These ministries are responsible for the hearings of other public bodies and concerned private interests (Nedergaard 2005: 354). The coordination responsibility allocated to the sector ministries contributes to the decentralisation of the Danish EU coordination system. The decentralisation is balanced by one omnipresent coordinator played by the Ministry of Foreign Affairs (Udenrigsministeriet). The ministry is represented at all levels throughout the Danish coordination process and is formally in charge of all connections to the Danish Permanent Representation in Brussels (In_ØEM_Jun_2010). Every Monday a video conference is held between the Ministry of Foreign Affairs in Copenhagen and the
Permanent Representation in Brussels about the upcoming Council meetings. The Ministry of Foreign Affairs is also responsible for the coordination of the EU Committee and acts as secretariat for the government’s Foreign Affairs Committee (see below). All contacts with the European Affairs Committee of the Danish Parliament - the Folketing – also come under the responsibility of the Ministry of Foreign Affairs (In_UM,_June_2010).

EU coordination in Denmark consists of a complicated, interlinked structure of committees organised on four levels: the lowest but nevertheless most important level comprises the committees with civil servants in the ministries, i.e. ‘the EU Special Committees’ (EU Specialudvalg). There are 34 of these under the sector ministries, with the chairmanship and secretariats of each in the hands of the most relevant ministry. The EU Special Committees form the core of the system, as it is here that most time is spent on EU coordination.

Normally, the reading of the proposals in the EU Special Committees begins at the same time as in the Council of Ministers’ working parties in Brussels. Four to six weeks after a proposal has been presented, a draft position paper (Grundnotat) is produced by the secretariat of the EU Special Committee. Together with the actual proposal it is sent out to members of the committee for consideration. On the basis of responses from other ministries and interest groups a so-called framework paper (Rammenotat) is prepared. The drafting of this framework paper is the sole responsibility of the sector ministries in cooperation with the Ministry of Foreign Affairs.

This framework paper provides guidelines for negotiations in the working parties in Brussels. As far as its content is concerned, it corresponds to the so-called document with an annotated agenda (Kommenteret dagsorden) prepared immediately before the meeting of the Council of Ministers.
where all the points on the agenda are presented and discussed. However, this document differs from a framework paper by having a sentence at the end stating that it is recommended that Denmark works for xx or endorses yy (Nedergaard 2005: 399).

The next step in the coordination process is the EU Committee (EU udvalget) under the auspices of the Ministry of Foreign Affairs. If the Ministry of Foreign Affairs plays a fire brigade role in the Danish EU coordination system, the EU Committee is certainly the fire department. This committee meets every Tuesday morning. The points on the agenda mainly concern the upcoming meetings of the Council of Ministers (In_UM_Jun_2010). The first time one of these meetings is dealt with by the EU Committee is two weeks beforehand; it is discussed a second time a week later. The basic documents for the first meeting of the EU Committee consist of the framework paper that has also been sent to the European Affairs Committee of the Folketing. The EU Committee is a link between the substantial case handling in the EU Special Committees and the political decisions that can only be taken by the government and the subsequent representation in the Folketing’s European Affairs Committee.

The government’s Foreign Affairs Committee (Regeringens Udenrigspolitiske Udvalg) forms the top level of the inter-ministerial EU coordination system (Udenrigsministeriet 2004). When it meets, it does so on Thursdays, i.e. two days after the meetings in the EU Committee and the day before the meeting of the Folketing’s European Affairs Committee. In practice, the Foreign Affairs Committee convenes only very rarely and cases are normally handled by written procedure. In principle, it is only in the government’s Foreign Affairs Committee that the Danish policy position is defined; this is then presented to the Folketing’s European Affairs Committee the following day. In almost all instances, the recommendations from the Special Committee and the EU Committee are
confirmed. These policy positions also represent the Danish negotiating mandate in the Council of Ministers unless the European Affairs Committee in the Folketing objects and demands changes (In_ØEM_Jun_2010).

**Figure 2: Model of Danish EU coordination**

Comparing Central coordination in Germany and Denmark

**H1.** The more veto players, the less centralised the coordination system will be.

At first glance, this hypothesis correlates somewhat with the review of the EU coordination systems in Germany and Denmark. However, correlation does not imply causation. Reviewing existing studies, Kassim classifies the German coordination system as ‘decentralised’, while its Danish counterpart is characterised as ‘centralised’ (2003a: 91–97). The reasoning behind this placement is that there is not a single actor in the German coordination system that controls the coordination process and can intervene in cases involving disagreement among different actors. In the Danish system, the Ministry of Foreign Affairs is responsible for the overall coordination process and acts as a broker.
Kassim argues that the underlying reason for the variation lies in the state structure, where federal states have decentralised coordination systems, whereas unitary states have centralised ones (ibid.).

This line of reasoning must be adjusted in the light of the empirical data. It is correct that the German Ministry of Foreign Affairs and Ministry of Economics are granted weak coordination competence, while the Danish Ministry of Foreign Affairs has a marginally stronger coordination competence. However, both coordination systems are characterised by being decentralised in the sense that the establishment of positions are handled by the ministry that the case most concerns. More specifically, the Danish coordination system is characterised by being decentralised when it comes to the substantial coordination of cases, while the procedural coordination is overseen by the Ministry of Foreign Affairs. In Germany, the system is more decentralised both about substantial and procedural coordination.

The federal-unitary distinction as the underlying determinant for the degree of centralisation of the coordination system does not fit well with the empirical evidence. The prime reason for the lack of a central coordination system in Germany is not the vertical diffusion of power in which the Länder assume the role of veto players, but rather due to the horizontal power diffusion that allows for a high degree of ministerial autonomy. Although the German and the Danish political systems are similar in having a high degree of ministerial autonomy de jure – following the ressortprinzip in Germany and ministerstyre-princippet in Denmark – the de facto application of the principles are different, and partly accounted for by the different types of government.

A tradition for minority coalition government in Denmark and considerable preference congruence between the incumbent parties limits the individual minister’s freedom to act because the govern-
ment must appear unified when confronting the opposition of a veto player. In contrast, a tradition for majority coalition governments with a considerable preference divergence in Germany leaves space for partisan rivalry and turf fights among the different ministries, as long as these do not threaten the stability of the coalition government. Despite the complex structure established in Germany to solve the problems of aligning national preferences, each minister has within his or her portfolio a considerable margin of manoeuvre in determining the negotiation position (In_AA_Apr_2010).

Comparing parliamentary coordination in Germany and Denmark

Parliamentary coordination in Germany

According to Article 23 of the German Basic Law, the government is obliged to comprehensively brief the Bundestag and Bundesrat as early as possible in the negotiations (§ 2). Moreover, the federal government must give the Bundestag the opportunity to state its position and take into account that position when negotiating in Brussels (§ 3). The specific criteria are defined in the Cooperation Law, according to which the government must send all EU documents to the Bundestag before meetings in the Council.

The EU Committee (Ausschuss für die Angelegenheiten der Europäischen Union) is the locus of EU coordination in the Bundestag. All EU documents from the government go through the EU committee which is responsible for cases concerning European integration (In_GPR_Feb_2010). Based on the information, the EU committee will decide whether or not to scrutinise a case. The committee’s job is to control the government and take care of coordination internally in the parliament.
The material scrutiny of draft EU sector policies takes place in the special committees of the Bundestag. However, because cases often concern several areas, the EU Committee has leverage and it can ask the responsible special committee to adjust its resolution before submitting it to the plenary (In_AA_Apr_2010). The committees seek to gather as much information as possible through contact with the EU institutions, parliaments in other member states, experts and hearings. Based on the recommendations from the lead committee and the EU committee, the plenary adopts an opinion which is delivered to the federal government. The government must use this opinion in its negotiations in Brussels. However, the government can deviate from that opinion for compelling reasons, in which case the government representative will have to appear before relevant committees to give reasons for such action in order to gain acceptance from the parliament (Linn and Sobolewski 2010).

Though the EU committee and special committees have over time improved parliament’s control over the government, there are still problems with slow procedures, resulting in only a minority of the cases being substantially examined (Wessels et al. 2003: 129; In_BT_Feb_2011). According to the new cooperation laws, however, the government must in some cases await clearance from the parliament before issuing an opinion in the Council by applying a Parliamentary Scrutiny Reserve. This can be lifted when the parliament has given its opinion. The emphasis on the parliament’s right to bind the government follows from the ruling of the Constitutional Court in June 2009 and subsequent changes in cooperation laws (In_AA_Apr_2010).

**Parliamentary coordination in Denmark**

The Folketing’s European Affairs Committee (*Europaudvalget*) reflects the strength of the political parties in the parliament. However, no matter which parties are in the (coalition minority) govern-
ment, in practice it does not necessarily follow from the political parties’ general support of an administration that they will support the government in specific EU cases.

All EU cases are first submitted to the Folketing’s special committees before a mandate is given to the minister in the European Affairs Committee. Some committees have traditionally been more active in the handling of EU cases than others. The Folketing’s Agricultural Committee (Landbrugsudvalget) and the Environmental Committee (Miljø- og Planlægningsudvalget) have for years been actively involved in EU affairs with the aim of submitting recommendations to the European Affairs Committee (In_FEU_Sep_2010). Other committees have been more reluctant to be dragged into scrutinising EU dossiers.

Historically, the European Affairs Committee is a concrete expression of the desire by the Folketing to control the EU decision-making process which is handled by the executive branch. The committee in its present form was established in 1972 to prepare Denmark for membership of the European Community (Jensen 2003). In the Danish Accession Act from 1972 it is stated that the government shall inform the Folketing of proposals for Council decisions which apply directly in Denmark or in which implementation requires the participation of the Danish parliament.

After the first report from the European Affairs Committee in 1973, the requirements of this information were more clearly specified (Auken et al 1975). In “questions of considerable importance” (vigtige eller væsentlige spørgsmål) the government shall orient the European Affairs Committee. In “decisions of wider scope” (sager af store rækkevidde) the government shall have the acceptance of a mandate for the negotiations in the Council of Ministers. These qualifications mean that the
government has to estimate whether or not a specific EU case should be submitted to the committee for a mandate or just for orientation; however, normally, the government plays safe.

The other face of the important and influential European Affairs Committee is that of a committee that still has the ability to exercise judgement on mandates late in the EU decision-making process, and hence the committee only have limited influence on the content of the EU negotiations. In order to accommodate a wish for earlier involvement in the decision-making process, the sector ministries always send basic memos to the European Affairs Committee on EU proposals of major importance within 4 weeks of the Danish version of the proposals being published (Ministry of Foreign Affairs 2010). Even though all ministers try to accommodate the opinions of the committee beforehand and anticipate what will happen, the ministers are sometimes unsuccessful in gaining a mandate.

**Comparing parliamentary coordination in Germany and Denmark**

**H2:** Parliaments will have stronger control of the executive under a minority government because they are veto players, whereas under a majority government they are not.

By comparing the competences *de jure* of the two parliaments, one reaches the surprising conclusion that the German European Affairs Committee is stronger because its instructions to the government are derived from law, whereas the Danish Europe Affairs Committee’s instructions are derived from practice (Nedergaard 2005: 414-415). Further, the German Bundestag makes active use of expertise in its specialised committees when scrutinising EU proposals compared to a more random use in the Danish Folketing.
Yet looking at how scrutiny is exercised *de facto*, one sees that the German Bundestag has a selective approach in which the government is tightly controlled in only a few highly salient cases. Moreover, the government may override the parliament’s position for special reasons. The Folketing, in contrast, controls the government tightly and continuously, as the minister must stand before the European Affairs Committee to obtain a mandate that (s)he then is obliged to follow and subsequently account for.

The underlying explanation for the variation can be attributed to the relative strength of the two parliaments. In the Danish Folketing, there is a tradition for minority coalition government, which makes the opposition parties a veto player. However, to grasp the veto power of the opposition parties in the Folketing, it is necessary to pay attention to its partisan setup. To stay in office, the Danish government rests on the support of the Danish People’s Party with whom it also adopts many of its policies (figure 3). Yet when it comes to EU affairs, the Danish People’s Party holds a sceptical attitude that forces the government to rely on support from EU-friendly opposition parties that aspire to gain office (figure 4). The same was true during the previous Social Democratic and Social Liberal government’s period in office, because it relied on the leftwing EU-sceptical United List (figure 4) and therefore had to find support from both Liberals and Conservatives (figure 5).
Figure 3: Liberal Party-Conservative People's Party coalition government 2007-2011 with support from Danish People’s Party in domestic politics

<table>
<thead>
<tr>
<th>DPP</th>
<th>LP</th>
<th>CPP</th>
<th>LA</th>
<th>SL P</th>
<th>SD</th>
<th>SPP</th>
<th>UL</th>
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Figure 4: Liberal Party-Conservative People's Party coalition government 2007-2011 with support from the Social Liberals and Social Democrats in EU politics

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<th>DPP</th>
<th>LP</th>
<th>CPP</th>
<th>LA</th>
<th>SLP</th>
<th>SD</th>
<th>SPP</th>
<th>UL</th>
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Figure 5: Social Democrats-Danish Social Liberal Party coalition government 1998-2001 with support from the Socialist People’s Party and the United List in domestic politics

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<tr>
<th>DPP</th>
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Figure 6: Social Democrats-Danish Social Liberal Party coalition government 1998-2001 with support from the Liberal Party and Conservative People's Party in EU politics

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<th>DPP</th>
<th>LP</th>
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Note: DPP = Danish People’s Party (Dansk Folkeparti); LP = Liberal Party (Venstre); CPP = Conservative People’s Party (Det Konservative Folkeparti); LA = Liberal Alliance (Liberal Alliance); SLP = Social Liberal Party (Det Radikale Venstre); SD = Social Democrats (Socialdemokraterne); SPP = Socialist People’s Party (Socialistisk Folkeparti); UL = United List (Enhedslisten)
Prima facie, the opposition parties are in a strong position to define the setup of the coordination system as well as the government’s negotiating position in concrete cases. However, the power of the opposition is limited by counteracting forces. The first is ‘the shadow of the future’, meaning that it is dealing with an ongoing game: if the opposition parties that aspire to become the government adopt restrictive measures for EU coordination at Time 1 together with the EU-sceptical opposition, they will be faced with the same measures at Time 2, should they gain office. The same logic applies if the EU positive opposition ties the hands of the government tightly through mandates, thereby limiting its freedom to manoeuvre in Brussels. Then it might experience payback in the future when it takes office.

The other force curbing the power of the opposition is its internal division that the government can seize. Although the supporting party is EU-sceptical, it supports the government’s position in many cases. Furthermore, it is highly unlikely that the supporting party will back the opposition that aspires to gain office in a vote of ‘no confidence’, based on EU issues. Factoring in the partisan setup of the opposition demonstrates that it is powerful – but not almighty.

Turning to the German Bundestag, the picture looks different. Here, the government is comprised of a majority of parties that are in favour of the EU. This implies that harmonisation of preferences takes place within the government coordination machinery rather than in the Bundestag. Nevertheless, the Bundestag has considerable powers. Moreover, the setup of parliamentary control also gives backbenchers an opportunity to influence the position of the government on EU issues and gives the opposition the chance to question the government in public.
Decentralised coordination in Germany and Denmark

Decentralised coordination in Germany

The Länder achieved a central position in the EU coordination system in relation to the Maastricht Treaty (Börzel 1999). According to Article 23 in the revised German Basic Law of December 1993, the Länder are given the following competences in regard to the EU:

- The Bundesrat (with members elected by parliaments of the Länder) must approve any transfer of sovereignty to the EU.
- The Bundesrat must take part in the coordination process concerning cases if competent to do so had it been a domestic issue or used to belong to the competences of the Länder.
- Concerning cases within the Länder’s jurisdiction, the Bundesrat can define the German position and represent it in negotiations in Brussels.
- Even though a case belongs to its exclusive competence, the federal government must consult the Länder but it is not obliged to incorporate their view.

When looking at the concrete EU coordination, ministries within the Länder have established both EU units that correspond to their counterparts in the federal ministries and offices in Berlin (Wessels et al. 2003:131–136). Moreover, each Land has established EU ministries that have responsibility for cross-ministerial coordination. In addition, the Länder have people posted at the Permanent Representation in Brussels to cover specific issues on the spot (In_AA_Apr_2010).

The Bundesrat is the organ for representation of the Länder’s interests at the federal level. The government is obliged to inform the Bundesrat about new proposals from the Commission. Upon receipt, the EU Secretariat of the Bundesrat briefly examines the proposals and decides which ones to
scrutinise. On average, 100 to 150 documents are preselected for scrutiny per year. Each of the 16 Länder can ask for additional scrutiny of a proposal (In_BR_Feb_2010). Based on the pre-selection, the Secretary General allocates the proposals to relevant special committees in the Bundesrat. The special committees then deliberate on the proposals and give opinions to the EU Committee (Ausschuss für Fragen der Europäischen Union). It may happen that the EU Committee overrides an opinion from a special committee for reasons concerning European integration, but this rarely happens. After the deliberation of the EU Committee, a report is produced which is sent to the plenary for an ultimate vote.

In addition to the formal structures and processes for involving the Länder in the coordination system, it is important to pay attention to the informal political ties to the federal level (In_CDU_Feb_2010). Normally, the prime minister of each Land sits on the board of his or her respective party, which implies access to party leaders and – if they are incumbents – to the ministers and Chancellery. Thereby, the Länder can communicate their cases of concern directly to the political leadership.

**Decentralised Coordination in Denmark**

Danish regions do not have a special status in the coordination system as they do in Germany. The regions, together with municipalities, are represented in the EU Special Committees in the same way as interest groups (In_ØEM_Jun_2010). However, because regions and municipalities are responsible for transposing a significant part of EU legislation, their organisations speak with a special weight (In_DPR_Feb_2010): The National Association of Municipalities has first place in the ranking order of organisations. In addition, the regions and municipalities exercise influence through institutionalised relationships with the administration, government and parliament.
Both the Association of Danish Regions and the Association of Danish Municipalities have established EU units responsible for handling EU affairs. These units have gained considerable expertise that enhances their ability to exercise influence on the coordination system.

**Comparing decentralised coordination in Germany and Denmark**

**H3:** Sub-national units of federal states will, if they are veto players, have a stronger position in the coordination system compared with sub-national units of unitary states.

The mapping of the German and the Danish coordination system lends considerable support for the third hypothesis. In the German system, sub-national units play a prominent role in cases that concern them through the Bundesrat. The Bundesrat receives all proposals for new legislation in the EU, out of which it selects approximately 20% for in-depth scrutiny. In cases that belong to the Länders’ exclusive competences, the Länder can define the German negotiation position and represent it in Council. In other cases, the government must take notice of the Bundesrat’s views.

Danish sub-national units, in contrast, have no privileged position in the coordination system but are involved on an equal footing with interest groups. This variation is due to differences in veto power. The German federal system gives sub-national units constitutionally defined veto rights, both in regard to the less important political issues within their exclusive competences and in regard to the most important issues such as treaty ratifications. Despite having no formal veto powers in the Danish coordination system, the municipalities have a strong say since they administer much of the legislation emanating from the EU.
Conclusion

The comparison of EU coordination in Germany and Denmark through the lens of the veto player approach contains several interesting findings. It is evident that the Europeanisation stimulus is weak because the EU does not prescribe any specific coordination system but leaves it open to the member states to determine how they will respond to the functional pressures to which they are exposed. The EU, however, is not insignificant in regard to how the coordination systems are organised as these attempt to mirror the modus operandi of the Council of Ministers.

The number of veto players and especially the vertical division of power in a political system did not impact on the degree of centralisation in the coordination systems as highlighted by the veto player approach and existing studies. Instead, the degree of centralisation seems to be contingent on the degree of ministerial autonomy in a political system. Future studies could incorporate the concept of ministerial discretion by, for instance, applying the work of Laver and Shepsle (1996) to account for more of the variation in coordination systems.

The veto player approach performed better in accounting for variation in the two other dimensions of EU coordination examined in this paper. The dominating type of government influenced the strength of the parliament in the coordination system, as the tradition for minority coalition government in Denmark accounted for the reasons as to why the Folketing enjoyed a stronger position compared with the German Bundestag in EU affairs. Even though the federal-unitary distinction did not account for the difference in the centralisation of the coordination system, its explanatory power was strong in providing an explanation for the variation in the influence of sub-national units in the coordination system. As predicted, sub-national units in Germany enjoyed a stronger position due to
the federal structure of the state where they are granted veto power, compared with sub-national units in Denmark where, because of the unitary state structure, they have no veto position.

The structured, focused comparison of EU coordination in Germany and Denmark has been useful in examining whether the hypotheses derived from the veto player approach could be supported by the reconstructed processes or whether alternative explanations - such as ministerial autonomy - should be included in the analytical equation in order to account for more of the variation. Yet explanations supported by process tracing should always be seen as conditional because of over-determination. Consequently, further studies are needed to examine the generalisability of the findings beyond this paper’s particular area of inquiry. With an EU of 27 member states we begin to reach the threshold of applying statistical techniques in the study of EU coordination and with methods such as time-series cross-section we can even increase the number of cases further.
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