

EU INTEGRATION POLICY: QUALIFIED MAJORITY VOTING (QMV) AND SUPRANATIONALITY COUNCIL OF MINISTERS

Muhammad Jave Zulkarnaen

Postgraduate Program in the study of European and International Affairs in
Turkish-German University in Istanbul Turkey
javezulkarnaen@gmail.com

ABSTRACT

The European Union integration undergoes various long dynamic processes. Based on the views of academics, integration is defined as an effort to hand over all state functions to supranational organizations. The use of Qualified Majority Voting (QMV) is considered as an attempt to make the Council of Ministers a supranational institution. With the existence of QMV, member countries can no longer freely reject policies that are very likely to be carried out in the unanimous mechanism that has been implemented previously. After the implementation of the 2009 Lisbon Treaty, policymaking in the Council of Ministers will use the double majority mechanism which came into force on November 1, 2014. Basically, the double majority is an extension of the QMV mechanism by adding certain criteria in determining the majority of votes. There are three criteria that must be met in the double majority mechanism such as population criteria, supporting member countries criteria, and blocking criteria. The implication is that a country will find it difficult to unilaterally oppose the policies being discussed in the Council of Ministers. The reduced power of the state in the policy-making process indicates that the Council of Ministers continues to evolve towards a supranational institution. Based on these facts, the supranational of the Council of Ministers that develops through the use of the QMV mechanism will have a positive impact on the integration of the European Union as a whole.

Keywords: *Qualified Majority Voting (QMV), Supranational, European Union Integration, Council of Ministers*

A. PRELIMINARY

EU Integration is a phenomenon in international relations that shows how the European countries gradually deliver some of their sovereignty to the European Union. EU integration process is characterized by the establishment of supranational institutions that are constantly evolving and dynamic. As one of the main institutions of the European Union, the Council of the European Union or commonly referred to as the Council of Ministers is an institution that is still in the form of intergovernmental. The intergovernmental conception inherent in the Council of Ministers is due to several factors such as its membership in the form of state representatives as well as important policy-making mechanisms that still use unanimity (Sieberson, p. 926).

In its development, the Council of Ministers pointed to a tendency that led to supranational institutions which is the application of Qualified Majority

Voting (QMV) as the basis for policymaking, especially since the enactment of the Single European Act (SEA) in 1987. The QMV has always been an important part of the EU negotiation process. This can be seen from several agreements and compromises that discuss the mechanism of QMV, such as the Maastricht treaty 1992, Amsterdam Treaty 1999, Treaty of Nice 2000, and Lisbon Treaty. The QMV used in policymaking in the Council of Ministers will shift the mechanism of unanimity that has been used before so that the role of the state will also be smaller. Especially with the Lisbon Treaty that prevailed since 2009 to make the role of the state in the legislation process is getting smaller. In addition, the Council of Ministers is no longer the dominant actor in the policy-making process because of the application of co-decision as an ordinary legislative procedure and a double majority.

Some developments related to the Council of Ministers then raised a question about the influence of the use of Qualified Majority Voting in policymaking in the Council of Ministers towards the integration of the EU as a whole. The Council of Ministers became one of the EU institutions leading to a supranational institution in which the role and influence of the state in policy-making within it gradually declined.

The use of QMV and double majority and co-decision as the ordinary legislative procedure of the EU is believed to be the driving force behind EU integration as a whole. In terms of structure, this paper will be arranged systematically by placing a discussion of the concepts of integration and supranational at the beginning. Then, the explanation as well as analysis related to QMV, the Council of Ministers, and the developments and changes occurring in some agreements will occupy the next discussion.

B. THE CONCEPT

The European Union is an international institution that still in the integration process. The process of EU integration is characterized by the establishment of supranational institutions. In this case, neo-functionalists considered that integration as a process that the European Community (EC), or now is the EU gradually replaces all state roles (Sweet and Sandholtz, p.299). Integration is a process that political actors gradually give national loyalties, expectations, and political activities to a new and larger center (International Integration: the European and the Universal Process, p. 367).

Furthermore, by considering some opinions can be understood that the process of integration starts from an increase in interaction between countries and communities (social exchange) that creates interdependence until finally formed a centralized institution. This centralized institution is a supranational institution that has a role over the state and is the result of the integration process taking place. (Sweet and Sandholtz, p.303)

According to the European Union, the process of integration cannot be separated from the intergovernmental cooperation that is the European Coal and Steel Community (ECSC) in the 1950s. This intergovernmental cooperation then increased interdependence between Western European countries. There was a containment politics of the Communist bloc in Eastern Europe. Gradually, the

ECSC evolved into the European Economic Community (EEC), the European Community (EC) then transformed into the European Union in 1993 through the Maastricht Treaty. The development of EU integration is certainly accompanied by the establishment of supporting institutions which are supranational and intergovernmental, such as the Council of Ministers and the European Parliament.

Furthermore, there are three dimensions of an institution of the EU change from intergovernmental to supranational, that is 1) EU rules or rules that make political actors behave in accordance with the provisions, 2) EU organizations at the European level design, implement, and supervise of the policy, and 3) transnational actors such as NGOs and civil society be able to influence policy-making at the European level. Thus, EU integration can be understood as a process that occurs vertically (between political actors) and horizontally (at the community level) (Sweet & Sandholtz, p. 304).

In the contemporary era, the EU integration process has created a new form of an international institution that is able to replace some of the functions of the state which is in the making of several policies. This can be seen from the Government of the European Union that implements *trias politica* as modern state by separating power into three subsidiaries: legislative, executive, and judicative (Tsebelis and Garrett, p. 357).

The separation of EU powers can be seen from the institutions are 1) Council of the European Union or the Council of Ministers and the European Parliament as a legislative body; 2) the European Commission as the executive; and 3) the European Court of Justice as the judiciary. From the four EU institutions, three of them are supranational institutions because the state does not have strong access to the policy-making process.

Council of Ministers is intergovernmental that a place of member States has access to control of policymaking using mechanisms of the Qualified Majority Voting (QMV). Nevertheless, the Council of Ministers faces several adjustments that lead to supranational, especially with regard to its decision-making process. Nevertheless, the Council of Ministers faces several adjustments that lead to supranational relating to the decision-making process.

C. METHOD

This research uses literature study method. Literature study is a data collection method that is directed at searching for data and information through documents, both written documents, photographs, pictures, and electronic documents that can support the writing process. Research results will also be more credible if supported by photographs or works.

According to M.Nazir in his book entitled 'Research Methods' stated that what is meant by: "Library study is a technique of collecting data by conducting a review study of books, literatures, notes, and reports that have to do with problem solved." (Nazir, 1988: 111).

Literature study is conducting research by studying and reading literature that has to do with the problems that are the object of research. In digging information in this paper using various data, information, phenomena, which are obtained from literature studies from books and online media.

D. EXPLANATION

a. The Council Of Ministers And Legislative Procedures In The European Union

The Council of the European Union or the Council of Ministers is one of the vital organs in the EU which plays the role of implementing the legislative function of the European Union. The Council of Ministers has members comprising representatives from each EU Member State, usually at the ministerial level. The Council of Ministers has ten areas of work, such as economy, environment, foreign policy, agriculture, etc. Each of these policy areas is represented by a representative of the state such as ministers of the field in accordance with the policy agenda. The Council of Ministers has at least five main tasks: 1) adopting a policy that mostly uses co-decision mechanisms in conjunction with the European Parliament, 2) coordinating the policies of member countries, 3) developing Common Foreign and Security Policy based on the provisions of the European Council, 4) approving international agreements on behalf of the European Union, and 5) adopting the EU budget together with the European Parliament. However, policy-making related to security and foreign policy (Common Security and Foreign Policy) use with the mechanism of unanimity or consensus (Mix, p.6).

In terms of policy-making, there are three options for proposing policy proposals, 1) from the European Commission, 2) proposals from the Council of Ministers to the European Commission, and 3) initiatives from communities through petitions signed by at least one million EU citizens. In practice, most policies are derived from the European Commission's proposal. The initiative from the community only came into force after the Lisbon Treaty was agreed upon.

The presidency mechanism in the Council of Ministers is implementing by rotation which each member country will have the opportunity to take place that position. The presidential period of the Council of Ministers takes place quite short is only six months. Nevertheless, in order to keep the interests and agenda of the Council of Ministers going according to plan, the three countries that fill presidency positions in three different periods will work together to draw up the program over the three years of such presidency (The European Council and the Council: Two Institutions Acting for Europe, p.9). Thus, the implementation of the legislative function within the Council of Ministers will continue to work well.

b. Development Of The Qualified Majority Voting (Qmv) In Council Of Ministers

The development of Qualified Majority Voting (QMV) from the beginning of the formation until the changes that occurred in the Lisbon Treaty in 2009 that divided into two parts:

1. The first development of Qualified Majority Voting (QMV)

Qualified Majority Voting (QMV) is a policymaking mechanism in the Council of Ministers by voting. Through the QMV mechanism, each country will have a different number of votes based on the population size (weighted vote). Therefore, the number of votes in QMV always changes whenever there is an

enlargement. Since the Treaty of Nice from 2000 to 2013, the number of votes required to reach a decision was 255 votes out of a total of 345 votes. The entry of Croatia as the 28th member of the European Union in early 2014 requires the Council of Ministers to adjust the number of votes held by a country. Currently, the number of votes in the Council of Ministers is 352 with a minimum number of votes to pass the 260 policy and Croatia gets 7 votes. In addition, the decisions taken should represent 62% of the total population and the majority of EU countries (Kurpas, Crum dan Schoutheete, p. 59).

The blocking minority can be achieved if there are at least 91 votes that reject a draft policy. The QMV in policymaking at the Council of Ministers began with the approval of the Single European Act (SEA) of 1987 and replaces the previously adopted decision-making mechanism of unanimity. Some issues discussed using QMV as issues on agriculture, fisheries, single market, industrial policy, and environmental issues (Novak, p.10). While some other sensitive issues, such as defence policy and competition policy, still use the mechanism of unanimity. After the EU was formed in 1993, the Council of Ministers became obliged to transparent the policies adopted by using QMV. Around 80% of the total policies approved by the Council of Ministers are taken using the QMV mechanism (Novak, p. 3-4).

The QMV shows that a country no longer has a great power to reject the draft policy being negotiated and limits the ability of the state to delay the negotiation process on a policy that is being negotiated (Nuget, p. 477). Therefore, it can be argued that through the use of QMV, the Council of Ministers began to shift into supranational institutions, although it cannot be denied that the de facto Council of Ministers is an intergovernmental institution.

Nevertheless, the QMV is still reaping some criticism because of the different voice allocations. The government of the states can still influence the policy negotiated in the Council of Ministers so that the national interest still greatly influences policymaking in the Council of Ministers. One of his criticisms related to QMV is the number of votes imposed on a country. Big countries like Germany, England, France, and Italy are able to dominate policymaking because of the number of votes (Nuget, p. 473).

Furthermore, the QMV mechanism also allows smaller countries such as Cyprus and Malta to have too many or overrepresented votes. The existence of such criticism makes the EU make some adjustments to the QMV mechanism, especially by updating the allocation of votes, not by overhauling the existing QMV mechanism. Technically, QMV since the first time in use in 1987 has not changed. There is the only adjustment of voice allocation along with the expansion of members and also the extent of coverage issues. Regardless of the possibility of large country dominance as well as the overwhelming number of small country votes, QMV is perceived to be able to reduce the influence of the state in the policymaking process at the Council of Ministers.

2. Lisbon Treaty 2009: a new step supra nationalism of the Council of Ministers

The Lisbon Treaty which has been approved by all EU member states in 2009 is a result of the negotiation process since 2002. Some opinions suggest that

the Lisbon Treaty is a draft constitution of the European Union which will then refine the integration process that has been going on for a long time. There are at least two provisions in the Lisbon Treaty that are related to the Council of Ministers are 1) the adoption of ordinary legislative procedure, and 2) the change of voting mechanism into the double majority. Prior to the Treaty of Lisbon Treaty, the adoption of co-decision procedures still drew criticism, particularly with regard to the weakness of the European Parliament in the legislation process (Nuget, p. 365 - 374).

After the Lisbon Treaty was negotiated, the co-decision procedure progressed in terms of the scope of the issue and recognition of the procedure as an ordinary legislative procedure (Dehousse, Costa dan Trakalová, p.6). In addition, the Lisbon Treaty also brings with it new regulations relating to policymaking at the Council of Ministers, namely the expansion of issues discussed using the QMV mechanism and the use of a double majority that replaces QMV (Christiansen, p. 27). Decisions taken by the Council of Ministers with double majority mechanisms must fulfill three criteria are 1) population criteria 65%; 2) criteria for member states supporting 55%; and 3) blocking criteria consisting of at least 4 member states and representing more than 35% of the population (Kurpas, Crum dan Schoutheete, p. 63).

This rule of blocking minorities is considered capable of reducing the possibility of countries with large populations and large numbers of votes obstructing a policy draft that is inconsistent with its national policy preferences (Mayoral, p. 6). The double majority rule will be gradually into force on November 1, 2014. On April 1, 2017, the double majority will be fully applied. From 2009 to 2014, QMV mechanisms that have been in effect since the enlargement of members in 2004 remains applied and from 2014 to 2017 referred to as the transitional period (Kurpas, Crum and Schoutheete, p. 60 - 62).

In addition to the double majority mechanism, Lisbon Treaty also regulates the expansion of issues discussed using the QMV mechanism. Therefore, the use of unanimity in decision-making at the Council of Ministers will be less frequent so that a country will be more difficult to hinder existing negotiations. The Lisbon Treaty is understandable that the Council of Ministers is increasingly geared toward becoming a supranational institution like other EU institutions. In this case, the individual's authority of the state to defend its national interests is weakening such as member states should obey regulations that made in the EU scale. In addition, Lisbon Treaty also allows both the legislative (Council of Ministers and the European Parliament) to increase accountability. This is due to the increasing role of the EP in the legislation process parallel to the Council of Ministers after the agreement of the Lisbon Treaty. Thus, the Council of Ministers no longer has greater strength in the legislation process following the adoption of the co-decision procedure as an ordinary legislative procedure.

c. Supranationality Of The Council Of Ministers And Integration Of The European Union

A supranational institution has three main dimensions or characteristics, the EU rules, EU organizations, and transnational actors (Sweet and Sandholtz, p. 304). The dimensions or criteria must still have relevance to see the shift of the

Council of Ministers from intergovernmental institutions to supranational institutions. From an organizational point of view, a supranational institution should have the autonomy to produce its own policy without the influence of conflict of interest between countries (Sweet and Sandholtz, p. 305).

The QMV as a policy-making base at the Council of Ministers can then be understood as an effort to reduce conflicts of interest among nations. When policy-making uses the mechanism of unanimity, a state has a veto because it can only be taken on the basis of consensus or consent of all member states. The use of the unanimity method can at least be an indicator that an institution has not become a supranational institution because of the influence of a country's interest in the policymaking process. This becomes different when QMV and the double majority are applied. Through both QMV and double-majority mechanisms, a country cannot afford to unilaterally reject a policy plan due to population criteria as well as the number of countries to pass or reject a policy draft.

Furthermore, the weakening of the state's influence in the Council of Ministers is supported by the introduction of the co-decision procedure mechanism as an ordinary legislative procedure. The procedure places the Council of Ministers and the European Parliament on equal footing in the EU legislative process. If it refers to a previously adopted policy procedure (consultation and cooperation), the Council of Ministers has a higher legislative position than the European Parliament. This is because the European Parliament only becomes a policy consultative body without having clear legislative power. These conditions make the country's influence in policymaking in the realm of the EU become very large, especially when QMV has not been widely used. The rules created by a supranational institution are capable of stabilizing the bargaining position of each country, reducing the potential of a country to get out of the agreement, and having binding standards (Sweet and Sandholtz, p. 305).

After Lisbon Treaty was effectively implemented in 2009, civil society has the possibility to influence policy-making in the EU directly. This can be done through the signing of a petition by at least one million EU residents. The possibility to submit a policy proposal by civil society is capable of meeting the criteria of supranational institutions. Therefore, the authority to pursue policies is not only owned by the European Commission or the Council of Ministers, but also by other actors such as civil society as well as non-governmental organizations as long as the petition policy proposal is supported by at least one million EU residents.

E. CONCLUSION

European Union is an institution that is in the process of integration. The existence of the formation of institutions that are supranational then becomes one of the characteristics of the integration process. In this case, the EU established several institutions as modern states that separated the power of government into three branches, namely legislative, executive, and judiciary. The three branches of the EU government are controlled by four major institutions, the European Commission, the Council of Ministers and the European Parliament, and the European Court of Justice. As an institution that is still inter-governmental, the Council of Ministers is gradually geared toward becoming a supranational institution. This can be seen from the use of Qualified Majority Voting (QMV) as

the basis for decision making that gradually replaces the unanimity mechanism. The use of QMV in policymaking at the Council of Ministers later increased, especially after the Lisbon Treaty agreed in 2009. Some changes related to the legislation process narrow the role of the state in influencing policies that conflict with its national interests.

Furthermore, the ordinary legislative procedure, as well as the double majority, is believed to be able to strengthen the position of the European Parliament in the legislative process which previously tended to place the Council of Ministers as a stronger legislative room. The existence of strengthening the role of the European Parliament through the ordinary legislative procedure will be able to create policies that are relatively minimal to influence the interests of certain countries because the Council of Ministers no longer has a stronger legislative power than the European Parliament. The gradual changes made by the EU through agreed agreements indicate that the EU integration process is still on going. One feature of integration is the granting of some state sovereignty to the central organization. EU can be considered a central organization that has various supranational institutional frameworks, although some are still intergovernmental. The integration process of the EU still requires various initiatives from each individual country which will ultimately give its entire function to the EU as a supranational institution. The development of policy-making processes within the Council of Ministers minimizes the role of the state in influencing the policy-making process. The QMV and double majority mechanisms are then factors that can drive the Council of Ministers into a supranational institution.

REFERENCES

- Christiansen, Thomas (2010). "The EU reform process: from the European Constitution to the Lisbon Treaty." Carbone, Maurizio. *National Politics and European Integration From the Constitution to the Lisbon Treaty*. Cheltenham: Edward Elgar Publishing Limited:16-33.
- Dehousse (2011), Renaud, Olivier Costa and Aneta Trakalová. "Co-decision and 'Early Agreements': an Improvement or a Subversion of the Legislative Procedure?" *Notre Europe*, November 2011.
- Deutsch, Karl W. (1953), *Nationalism and Social Communication*. Cambridge: MIT Press.
- Deutsch, Karl W., et al (1957). *Political Community and the North Atlantic Area*. Princeton: Princeton University Press.
- European Parliament (2012) "Guide to Codecision and Conciliation under the Treaty of Lisbon." European Parliament.
- Haas, Ernst (1961). "International Integration: the European and the Universal Process." *International Organization*: 366-392.
- The Uniting of Europe (1958) *Political, Social and Economic Forces, 1950-1957*. Stanford: Stanford University Press.
- Hosli, Madeleine O (1995). "The Balance between Small and Large: Effects of a Double- Majority System on Voting Power in the European Union." *International Studies Quarterly*: 351-370.
- Kurpas, Sebastian, et al (2007). "The Treaty of Lisbon: Implementing the

- Institutional Innovations." Joint Study.
- Mayoral, Juan (2011). Democratic improvements in the European Union under the Lisbon Treaty: Institutional changes regarding democratic government in the EU. San Domenico di Fiesole: European Union Democracy Observatory (EUDO).
- Miller, Vaughne (2004). "The Extension of Qualified Majority Voting from the Treaty of Rome to the European Constitution." Research Paper 04/54. 2004.
- Mix, Derek E (2013). "The European Union: Foreign and Security Policy." CRS Report for Congress.
- M.Nazir (1988). Research Methods: Penerbitan, Jakarta: Ghalia, Indonesia, 111.
- Novak, Stephanie (2011). "Qualified Majority Voting from the Single European Act to the Present Day: an unexpected Permanence." Notre Europe, November 2011.
- Nugent, N (1999). The Government and Politics of the European Union. London: Macmillan Press.
- Rossi, Lucia Serena (2010). "A New Inter-institutional Balance: Supranational vs. Intergovernmental Method After the Lisbon Treaty." Global Jean Monnet- ECSA WORLD Conference The European Union after the Treaty of Lisbon Global Jean Monnet- ECSA WORLD Conference The European Union after the Treaty of Lisbon. Brussels.
- Siebers, S. C (2010). "Inching Toward EU Supranationalism? Qualified Majority Voting and Unanimity Under the Treaty of Lisbon." Virginia Journal of International Law: 919-995.
- Sweet, A. S. and H. Sandholtz (1997). "European Integration and Supranational Governance." Journal of European Public Policy: 297-317.
- The European Council and the Council (2010) Two Institutions Acting for Europe. Brochure. Brussels: General Secretariat of the Council.
- Tsebelis, G. and G. Garrett (2001). "The Institutional Foundations of Intergovernmentalism and Supranationalism in the European Union." International Organization: 357-390.