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Coalition of states for influence in the European Council. Brexit - a step towards decisional balance in the European Council?

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Abstract: The EU decision-making process is one that has changed over time with the Treaties, with the extension, modification of EU policies and the areas where the EU is acting. In addition to the above, in 2016 we have one more reason to add to the changing of the decisional process “-Brexit”- a political turnaround that stimulates new changes at the decision-making level and raises questions about the future of the European Union. Federalists claim that these events will lead to a strengthening of the Union, and euro-skeptics claim that this is a step towards breaking the Union.

Two years after the Brexit started, the European Union continues to remain a prominent actor in the international arena, but another question is being raised: “Will EU institutions act on the same principles? Or will there be changes in the decision-making process?”.

In this article, we will analyse the state coalitions in the decision-making process, and the role of Brexit in forming coalitions for establishing a decisional balance in the European Council. Following the analysis of the power rapport in the European Council, we refer to small and medium-sized states that work together closely to counterbalance the decisions of the big states, and the new coalitions to achieve their goals in the new political context.

Keywords: state coalitions; European Council; Brexit; decisional balance.

1 Decision-making procedure and power rapport in the European Council

When we talk about the European Union and the rapport of power in its institutions, a good place to start would be to focus on the voting procedure, where we could observe that the political preferences and activities of some states appear in some form on the EU agenda (Policy Network, 2018). Particular attention in the decisional process of the EU should be paid to the European Council and the voting procedure in this institution, as it influences the main institutions of the European Union and its decisions can modify the political course of the organization (Thomson, Hosli, 2006).

To illustrate how important the European Council is to the EU in the establishment of the European power rapport, we will focus on several aspects of the Treaty on the EU to underline the types of voting and the situations when they are applied (EUR-Lex, 2012).

In the table below we can see the types of decision making available in the European Council and the situations in which they are applied.

We can see in table 1 that the Council participates in the most important decisions in the Union, it establishes the directions of the EU policies, it chooses the most important functions in the EU (election of the president of the European Council, proposing a candidate for the President of the Commission, naming the High Representative of the Union, naming the members of the European Commission, naming the members and the president of the European Central Bank).

Looking at the types of decision-making, in 1984 Ponson underlined that consensus decisions are “based on strategy, sincerity, and non-manipulation. In most cases, this voting procedure is the most sincere compared to the qualified majority when voting coalitions are formed to make a decision” (Ponson, 1984). In table 1,

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Table 1: Types of decisions in the European Council.

Types of decision making available	Decisions taken by a simple majority	Decisions taken by unanimity	Decisions taken by quality majority voting
Situations to apply different types of decision making	- to decide procedure issues and the adoption of regulations in this way	- choose the members of the European Commission - choose to authorise the Council of the EU to decide by a qualified majority if they adopt the Financial Multiannual Framework - to modify the statute in relation to the EU of a country, or the Danish, French or Dutch territory	- choose the president of the European Council - choose the High Representative - decisions to establish a list of the formations of the Council of the EU besides External Affairs and General Affairs

Source: Author’s table after Treaty on The European Union

we can see that the most important decisions are taken by a qualified majority, this is why we will often see that the President of the European Commission comes from a state of the winning coalition of the European Council, the members of the Commission will have folders distributed by the same winning coalition, the High Representant of the Union will be a member of the states from the winning coalitions and will follow their interests first in the Foreign Affairs of the EU.

The unanimous decisions are related to more complex issues such as common foreign and security policy, citizenship (creating new rights for EU citizens), EU membership, harmonization of national legislation on indirect taxation, EU finances, etc. (European Council, 2017). Decisions by unanimity are quite important because they establish the composition of the European Parliament (EP) and change the structure of the European Commission (EC). The possibility of determining the formation of the European Parliament and the European Commission is essential for the Member States because they can tilt the EU decision-making process more or less favourably.

Returning to the qualified majority vote, it implies the following: it requires 55% of the Member States to vote favourably (16 out of 28), and to represent 65% of the EU citizens (European Council, 2017). When the European Council takes decisions by qualified majority, then the power rapport in this institution is felt. The election of President of the European Council or the High Representative, underline that the representatives of the States take into account the political position of the proposed candidate, his political and economic interests. This is why we have as High Representants: Catherine Ashton and Federica Mogherini from the United Kingdom and Italy (countries from the big countries group) (European Commission, 2014).

On the same note, the President of the European Council, once elected, convenes the Council, highlights the main topics of discussion at the Council, ensures the continuity of the institution’s work in cooperation with the President of the Commission (elected in agreement with the European Parliament (the composition of which was established by the European Council) (ibid.).

The European Council is seen as the most significant possibility of the member states to put on EU agenda questions related to their national needs, and the qualified majority as the way to set these subjects on EU agenda by creating groups to support the same idea.

Similar to all situations when the European Council decided, in the case of choosing the President of the European Council we have a President from the winning coalition: Donald Tusk from Poland, Herman Van Rompuy from Belgium, countries which often align with the major European powers: France and Germany.

In conclusion, the qualified majority, by which the European Council takes the critical decisions, in Brexit context is nothing more than a possibility to change the power balance in the EU. The balance in this political situation can be tilted by small and medium-sized states which -when the United Kingdom was a part of the decisional process- was rarely possible.

The small and medium-sized states have had the possibility only to block a decision, but rarely to put their preferences on the EU agenda because with the U.K. the group of the big states would meet the requirements to pass a decision.

The role of Great Britain in the decision-making process by a qualified majority vote was the custodian of the balance of power, a subject that we will discuss in the next part of the paper (Bosoni, 2016).

2 The U.K. and its role in the European Council

Following the 2007 Treaty of Lisbon, the EU decision-making system has changed; the European Council became an official institution of the European Union. According to the Treaty, this institution has several functions: to propose to the European Parliament the candidate for the European Commission, to make changes to the treaties, to establish the EU's foreign policy and common security policy, etc. Besides these functions, the European Council can also influence the organization of the Presidency of the EU Council, the composition of the Commission, co-decision (Europa.eu, 2017). We note that after the Lisbon Treaty this institution has had a vital status in the EU political process.

The European Council is considered one of the most critical institutions in the Union since 1975. Simon Bulmer and Wolfgang Wessels argue that “since 1975 the major political decisions of the EC have been taken in the European Council. It has initiated major policy initiatives, such as the European Monetary System” (Bulmer, Wessels, 1987: 2).

In the European Council, meetings take place between the Heads of State and Government of the EU Member States. They are the ones who decide on the Union's direction for a specified period. Heads of State and Government often meet in crises in the Union and try to propose practical solutions to the problems that the EC faces. Members vote on the proposed solutions. The voting procedure is one where the importance of state coalitions, their convincing power, compromise and the power conflict between states with a lot of sway in the institutions, play a large part.

The United Kingdom, together with Germany, France, Italy, Spain, and Poland, were the states that set the EU political agenda. Even after the qualified majority procedure in 2014, they were enough to agree on a subject, to meet some of the criteria of the procedure (European Council, 2017).

The U.K. having 12.79% of the population of the Union had two main possibilities in the voting procedure: to join the group of large countries to make a decision or the group of small and medium-sized states to counterbalance the power of large states.

Throughout history, we notice that Europe has two European powers collaborating to guide Europe's political and economic system: France and Germany. An example of these two powers working together for the European

future we can mention: the pressure for compromise on the eurozone subject exerted by Germany and France in June 2018 (Economy, 2018), “the initiative to work together to bring the European project forward” (Marks, 2018), France's and Germany's proposal to turn to the PESCO (Permanent Structured Cooperation), in 2017, to improve the coordination of the EU member states on their defence policies (Billon-Galland, 2017).

With the advent of the European Community, later called the European Union, we notice that these two European powers continue to influence the European system according to their ideas. In this process, Britain has played the role of the power balance custodian as it did so during the two World Wars (Bull, 1998).

According to C.J. McKinney, however, the U.K. has in many cases chosen to vote with the majority. In the case of decisions taken by a simple majority, unanimity or a qualified majority, states vote on the submitted proposal as it is discussed in the Council General Secretariat before the proposal is put on the board to be voted (McKinney, 2016).

Britain, similarly to France and Germany, has tried to influence the decision-making process by persuading other states to join its position, a decision that after the voting procedure supposed to bring benefits to both small states that joined U.K. position and U.K. itself. It has turned out that the position of the states has coincided with the European Council decisions, and that the U.K. was enough to join a majority to reach the winning decision. Despite this, however, McKinney says that Brexit was a decision that brought Great Britain an enormous loss.

We see that the loss is not only for the United Kingdom but also for the small and medium-sized states of the EU, like Poland and Hungary. These countries, have often been represented in Brussels by the U.K. (De Gruyter, 2018). For the United Kingdom, the loss is in the field of trade, economy, policy, society, tourism, etc.

Today, in the Brexit context, we have another question: How will be balanced the power in the Council from now on? The large states can no longer make a decision independent from small and medium-sized countries, thus must come forward with win-win proposals and solutions.

In the next part of this article, we will develop the concept of decisional balance and will refer to small and medium-sized states in the context of decisional balance. We will emphasize the role of Brexit in shaping this situation and changing the balance of power in the EU institutions.

3 Brexit and decision-making in the European Council with less United Kingdom

For the EU, Brexit is qualified as a political crisis, not because solutions have not been found to solve this situation, but for the factors that have caused Brexit and the inability of the Union to anticipate and solve such internal crises. At the institutional level, Brexit causes problems because the decision-making process undergoes changes and the EU balance of power changes once one of the largest and most influential states are excluded from the decision-making process.

In the presence of Great Britain, we notice that the power balance was tilted toward large states whose vote had a different weight than small and medium-sized countries. With the British, the U.K. no longer influences the balance of power, and we have a situation change with some possible outcomes.

If 'x' represents the group of large states (France, Germany, Italy, Spain); 'y' represents the medium countries (Poland, Romania, the Netherlands, Portugal, Czech Republic, Belgium, Greece, Hungary) and 'z' represents the small states: z1 the countries from the centre of the Europe, which have similar policies and degrees of development (Austria, Luxembourg); z2 countries from Eastern Europe, which have the same problems (Bulgaria, Slovakia, Slovenia, Croatia); z3 the north and Baltic countries which have the main activities in the same policy areas and the same problems (Lithuania, Latvia, Denmark, Ireland, Estonia, Finland, Sweden); z4 the minority countries (Malta, Cyprus); then we have some possible situations in the decision-making process: A) $x + y > z$; B) $x + z > y$; C) $y + z > x$; D) the mobilization of y and z to block decisions.

To understand the most likely scenario in the European Council as well as in the other EU institutions, we will consider some critical decision-making factors such as:

- a) *mobilization capacity*; A quick organization between states to discuss, vote and decide about an important subject.
- b) *ability to coordinate interests*; A cooperation between states, and a skill to formulate a topic that covers all state interests.
- c) *consensus* as a necessary decision-making procedure in the European Council; The capacity for collaboration, understanding and the capability of negotiating by reaching a common denominator.

Taking into consideration the factors that we emphasized above, next we will analyse each scenario of the four possible situations in the decision-making process.

A) $x + y > z$; this situation implies that large states are making a coalition with the medium-sized countries (or a few of them) to reach the conditions of a qualified majority. Finally, small countries are somehow excluded from the decision-making process because they have fewer votes (according to the old procedure), as they represent less than 60% of EU citizens. This is how we have the big states that manage to bring the themes that coincide with their interests (through the President of the European Council, the High Representative, the Members of the European Parliament, and the members of the European Commission) and the small-medium-sized states that did not join the coalition that will not be represented in the important policies of the EU as the members of the winning coalition.

This situation is possible if the main factors of influence indicate a higher probability of achieving this scenario over the smaller states. Referring to the first factor: the mobilization capacity, we notice that the larger states are fewer and with a higher representation of EU citizens have the ability and to mobilize more efficiently in favour of the proposal that the small and medium-sized countries with many and controversial interests.

The second factor is the ability to coordinate interests. We will point out that it is much easier for large states to agree on proposals once they are nearby, have close interests, and similar issues. Small countries are scattered throughout Europe, in different climatic zones, where governance traditions are different, problems are various, and it is much more difficult for them to coordinate in a context where they are many and so diverse. The tendency to gain more from the decision will influence the position of each state, and finally, we will have a situation in which each country will try to bring the proposal closer to win something after the decision.

The third factor is the ability to decide by consensus. The excellent collaboration and adjustment of states interests in the case of the small and medium countries are more difficult to assure. Because of the different level of development, interests in policies, the small states are facing more difficulties in reaching a consensus. As a result, every country will propose a theme characteristic to its particular interest, which puts on the table of the small states a lot of ideas and will create a situation difficult to solve. This way, the major and medium countries get more possibilities to reach an agreement, because they

Table 2: EU States preferable coalitions.

EU member states	State's preferred Coalitions	Reasons
Netherlands	Nordic Bloc, Germany, Benelux	To join the leading countries and the most influent ones. Benelux are seen as a family, The Nordic bloc are seen as friends.
Baltic Countries	Scandinavian countries, Benelux	Interest for the future of the EU
Benelux	Visegrad group, Slovenia	Interest for the EU future
Czech Republic	Slovakia	Support for the eurozone
Bulgaria, Romania	France	Mutual support: France supports Bulgaria and Romania for the Schengen Area, in exchange, these countries support France initiatives.
Spain	Southern EU states	A shared interest for economy and eurozone.

Source: Author's table after De Gruyter paper

are not so many, and they will vote the preferences one at the time. This way, we will often see the president of the EU Council, European Parliament, High Representative from the big or medium states. Also, the most important files of the European Commission will be held by the same groups of countries.

Analysing the three factors that can influence the EU Council to a certain extent, we can say that this scenario is highly feasible, but there is another possibility which may be preferred by the large states, like:

B) $x + z > y$; In this case we would rather have one of this situations: $x+z1$; $x+z2$; $x+z3$; $x+z4$. Looking at these circumstances, we may encounter more often the coalitions of the big states with central European countries ($z1$) or with north and Baltic countries ($z3$) (Kirk, 2017). In 2016, I.M. Busygina and S.A. Klimovich underline in their research that the Baltic states already are acting like a coalition in the EU and are trying to form ad-hoc alliances with the states that lead in pushing the EU decisions, for example, the case of migrant issue (Busygina, Klimovich, 2017).

Another situation that we may encounter is a coalition of the big states and the eastern states on a subject that has an impact on eastern Europe (European Council on foreign affairs, 2017). The large states need coalitions to meet the necessary conditions to pass a decision forward. Together with some states, they need to represent 55% of the Member States and 65% of the Union's population. For this reason, in the decision-making process of the European Council, it is common for the small states, if they have similar interests, to align with the position of the big states.

The decision-making process in these cases supposes that the big states offer an advantage to the countries that align to their position in the voting process.

Still, this kind of coalition of the big states with small ones will likely appear less frequently because of the difficulty of the small states to agree on a subject, purpose or decision. Unless a scenario where with France we will have Benelux Countries, and with Germany the North Block.

C) $y + z > x$; When we talk about small and medium-sized states, in the context of Brexit, there is a new opportunity for them to counterbalance the power of the big states from the EU. In the decision making of the European Council, the small and medium states get a chance to be more present and essential in the process.

In the spring of 2018, Caroline de Gruyter underlined that in the past, many states took the side of the U.K. in the decisional process. The author says that in the Brexit context, these states should focus more on coalition building to counterbalance the debates on Europe (De Gruyter, 2018).

The United Kingdom, according to the European Council on Foreign Relations, in most cases was the preferred choice for coalitions especially for the big states (ibid.). In the majority of cases, U.K. joined the coalition of the big states, and in this way, the conditions for a decision to pass were easy to accomplish.

This scenario is less likely to appear if we analyse the center of power in the EU (Germany and France) (Kirk, 2017). We expect the big states to be more influential in the European Council than the medium and small countries. The big states often agree on the same subject because their interests often coincide. On the other hand, the medium and small states are spread all over the continent, have different purposes and ideas, which make the compromise and agreement difficult for them.

Taking into account the past of the Union and the importance given to the big states in the decision-making processes, the rapport of power in the EU and its institutions are changing. Starting with the assumption that the factors influencing the decision would not be a problem, that small and medium-sized states could efficiently coordinate, that the amalgam of positions and proposals, than we will have to deal with a balance of decision-making in which we have on one hand the large states and on the other the small and medium-sized countries. In such a situation, large countries should cooperate and provide the opportunity for the small and medium states to put some of their issues on the Union's agenda in exchange for their vote in the European Council.

Decisional equilibrium is a process that involves gains, losses and 'recognition'. In this process, actors strike a balance between the personal impact on the decision to vote, the impact on others, self-esteem and social respect (Janis, 1977).

When we talk about the European Council in the Brexit context, the term decisional equilibrium implies an equal possibility to influence the final decision by the small and medium states. This balance is difficult to assure looking at the coordination of the national interests of the participating countries. Lastly, we may have the equal possibility to influence the balance of power in the European Council, but taking into consideration the factors that we underlined at the beginning of the chapter, the probability of this situation to occur is small. In conclusion, we expect to have a European Council where Germany and France are the central power, whose interests will be on the EU agenda.

D) mobilizing y and z to block decision-making. In this situation, we have a few possible scenarios. Taking into account that the EU Treaty says that the blocking minority in the qualified majority decision implies "to represent at least over 35% of the EU population" (EurLex, 2012). To form the blocking minority, we have the possibility of the middle-states to mobilize themselves or together with the small states to block a decision. The medium-sized countries that could form the coalitions can either be Eastern European states such as Romania, Slovakia Hungary, and Bulgaria, which would focus on enlargement, security in Eastern Europe, especially in the Black Sea Basin.

Another coalition would be those of the Visegrad Group countries: Hungary, Poland, the Czech Republic, Slovakia. At least in the near future, in the context of the President of the European Council being from Poland, we can expect them to cooperate more closely for mutual benefit.

The decision-making process is complicated by looking at the possibility of forming coalitions in the European Council. It is essential to be a member of the winning coalition in the European Council, as this coalition can set the topics of EU activity. Because of this, often the big states work together, like Germany, France, Italy, Spain (in the past the U.K.) and the small and medium states are looking for an advantage by joining a coalition. The north and Baltic states before Brexit were interested in allying with the United Kingdom because of the common problems which together they could set on the EU agenda to solve. Now, the north and Baltic states focus on negotiating with France and Germany. The Visegrad group is doing the same because in the voting process, countries want to be in the winning coalition, even if the advantages are not so significant.

4 Conclusions

In the EU, Britain represented a power balance custodian, tilting the balance to the advantage of small and medium-sized states or large states. Despite the possibility, it chooses the camp of the larger countries more often, having common interests with them. Being frequently on the side of the big states, the UK tilted the balance of power in favor of France, Germany, Spain, Italy. With Brexit, the United Kingdom's exclusion from the Union decision-making process, small and medium-sized states are in a position where, in a coalition, they would be able to counterbalance the power of the large states.

Even though we find that the small and medium states, how to have the possibility to counterbalance the power in the European Council, we observe that a situation where the small and medium states mobilize and pass a decision without the big states is unlikely to appear.

Considering the possibilities of coalitions in the European Council, we can point out that some are more likely to be implemented than others. We expect large states to attract a few small and medium-sized countries, to offer them some advantages such as an essential place in the Commission, in exchange for collaboration.

The European Council is a significant institution in which the Union's foreign policy guidelines are established, the key themes of the Union, the enlargement and Treaties are discussed, etc. Finally, the possibility of influencing the vote in this institution is the crucial element for the Member States. As we have seen up to now, the group of big states that influenced the vote of the other member states, we will in the future have the same scenario with an outline of the role of the Visegrad Group

and North Block, still listening to the ‘voice’ of the Franco-German couple.

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