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Hegemon or loser?
Analysing Germany's success in the Council of the European Union[1]

Introduction[2]

Germany is widely believed to be the hegemon in the EU's legislative process as it is perceived as the most effective country in attaining its preferences. In the literature, Germany is referred to as "the natural hegemon of any European political system" (Wallace 1991: 169-170) or "a reluctant hegemon: one whose economic leadership is recognized but politically contested" (Bulmer, Patterson 2013: 1387). In a May 2020 study by the Robert Schuman Foundation and the Konrad Adenauer Foundation, which analysed the power of countries in the EU using a number of parameters [including voting power in the Council of the European Union (hereinafter the Council or Council) and the European Parliament (EP), positions held by the Commission and the EP, the number of registered lobbyists and journalists, and seats held by EU institutions and agencies), Germany emerged as the European Union's most influential player, achieving the highest ranking in terms of influence, far ahead of the other member states (Wiejski 2020: 10). The view of German hegemony also predominates among policy-makers. In a 2015 European Council on Foreign Relations (ECFR) survey of experts (politicians, officials, think-tank staff) in all member states, as many as 95% of them named Germany as the

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most influential actor in the EU and listed the country as their preferred partner in most EU policy areas (ECFR 2016). The view of Germany's dominance in the EU resonates especially after the eurozone reform, which took place in 2010-2015 (Brunnermeier, James, Landau 2016). The literature provides views that "as soon as the sovereign debt crisis began, it was widely understood that Germany's response would dictate its ultimate resolution" (Bernhard, Leblang 2016: 907), or that Germany was "central to the outcome of the eurozone crisis" (Bulmer 2014: 1245), and that "the terms of stabilization in the euro area […] largely follow the preferences of Germany, the country with superior bargaining power" (Schimmelfenning 2015: 190).

Interestingly, however, even though these views are strongly grounded in the literature and public opinion, there is hardly any research that would show their consistency with reality. While Germany's theoretical power in the EU, as estimated by formal indicators (e.g., voting power), is the greatest, the country's actual success in negotiations may be quite different. This paper aims to fill this gap by analysing Germany's real success in voting on EU legislative acts between 2009 and 2019 in the Council, the EU's key legislative institution. The main research question is: what did Germany's success look like in this period, as measured by the country's level of contestation of the legislative acts adopted in the Council? To answer it, three quantitative analyses will be conducted using descriptive statistics, linear regression and multidimensional scaling. Descriptive statistics will be employed to determine how often Germany voted against EU legislation in the Council between 2009 and 2019, as compared to other member states. By using linear regression, it will be possible to find out whether and how Germany's level of success (contestation) in this institution was statistically significantly different from the other countries. Finally, multidimensional scaling analysis will show with which member states Germany most frequently votes in unison or in divergence in the Council, thereby revealing the country's coalition capacity in this institution, especially when building blocking minorities and winning coalitions.

In the first section of this paper, a hypothesis is put forward that Germany achieves the highest level of success in Council negotiations. This claim has been derived from voting power theory, which points to the voting power of a country as a key determinant of its effectiveness in the EU. The second section discusses the methodology for testing this hypothesis with special focus on empirical material. In the third section, the aforementioned hypothesis is empirically tested using three statistical techniques, that is descriptive statistics, linear regression and multidimensional scaling. The conclusions provide a summary of the results obtained.

The hypothesis of German domination in the Council

The Council is the EU's key intergovernmental institution (Kirpsza 2011a; Ławniczak 2014), which plays a special role in shaping EU secondary law, notably legislative acts. Under the ordinary legislative procedure (OLP), the Council adopts legislation along with the EP while under the special legislative procedure (SLP), it is predominantly the privileged actor, which passes the final legal act having obtained the EP's opinion or approval (Kirpsza 2013).[3] According to Art. 16(3) of the Treaty on European Union (TEU), the Council makes decisions by a qualified majority unless the Treaties provide otherwise. This is currently governed by the so-called "double majority rule" set out by the Lisbon Treaty of 13 December 2007, under which a decision is considered to have been passed if it is supported by 55% of voting member states (or 72% if the proposal has been submitted by an entity other than the European Commission or the High Representative) representing 65% of the EU population.[4] Under such a system, a blocking minority, i.e. a coalition of governments that can block the approval of a decision, is reached if the proposal is not supported by four Council members representing more than 35% of the population, or if fewer than 15 countries vote in favour of a decision.

According to voting power theory (Felsenthal, Machover 1998; Nurmi 2000), a member state's success in the Council is primarily a function of its voting power in the context of the voting rules that determine the conditions for building minimum winning coalitions. This power, measured by various indices (called voting power indices, see Holler, Nurmi 2013), determines a country's chance of winning or blocking a vote. In short, a country's chance of winning a vote, often measured by the Shapley-Shubik power index (Shapley, Shubik 1954), determines the number of situations in which it has a critical position; in other words, with its participation, the country is able to transform a losing coalition into a winning one. On the other hand, the chance of blocking a vote, in principle measured by the Coleman index (Coleman 1971),[5]

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[3] The special legislative procedure is envisaged in 33 articles of the Treaties, with the EP passing the final legal act in three of them, the Council in 29 while the EP and the Council jointly in one.

[4] Once the Lisbon Treaty came into force, the following definitions of qualified majority voting (QMV) applied: 1) from 1 December 2009 to 31 October 2014 – the triple majority system established by the Nice Treaty; 2) from 1 November 2014 to 31 March 2017 – the double majority system with the possibility of returning to the Nice triple majority system if requested by any member state; 3) since 1 April 2017 – the double majority rule with no exceptions.

[5] More specifically, this is called the Preventive Power Index (PPI).

determines the percentage of all possible winning coalitions which, if left by a single country, will fail to pass a decision.

Based on the above assumptions, it can be predicted that Germany is the most effective and dominant member of the Council. Such a hypothesis results from two arguments. First, under the double majority voting system, Germany has the highest chance of winning a vote out of all member states. This country has the highest share of the EU's total population (18.54%), which constitutes 28.5% of the population required to reach the 65% QMV threshold. According to the SSI index, Germany's share is crucial to the formation of 15.12% of all coalitions winning a vote in the Council (Kóczy 2012: 157).[6] In this respect, the country is ahead of all other powerful countries, namely France (11.20%), the UK (11.11%), Italy (10.54%), Spain (8.34%) or Poland (6.53%). Significantly, this German advantage will continue even after the UK's exit from the EU (Kóczy 2016).

Second, Germany also has the greatest blocking capacity in the Council. Its population accounts for approximately 53% of the EU population required to form a blocking minority. According to the PPI index, there are 75.45% potential winning coalitions that will lose a vote after being left by Germany (Kleinowski 2015: 201-202). This indicates the country's very high capacity for blocking those decisions in the Council that run counter to its preferences, especially compared to other countries with the highest voting power, namely France, the UK, Italy, Spain and Poland, which have significantly lower PPI ratios of 61.10%, 59.12%, 57.42%, 45.28% and 38.02%, respectively.

The above points lead to the following hypothesis: *Germany attains the highest level of voting success in the Council.*

Hypothesis testing methodology

Empirical material

The above hypothesis will be tested through a statistical analysis of Germany's success in voting on legislation in the Council. The data has been derived from the monthly registers of Council acts, i.e. monthly summaries of the results of votes that took place in this institution (Council 2020). These documents are available in the Council's document register and each file includes

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[6] The data for the population of member states projected in 2020

the title of the legislative act, voting date, voting rule, and voting outcomes with information on which countries voted against or abstained.[7]

The analysis has been restricted to votes that meet three conditions. The first one concerned the timeframe: the votes that have been subjected to analysis took place between 1 December 2009 (when the Treaty of Lisbon had come into force) and the start of the current, ninth term of the European Parliament (2019-2024), which is 1 July 2019, the day before the first session of the EP's present term. Second, the analysis covered legislative acts, that is regulations, directives and decisions enacted in the ordinary or special legislative procedure (Art. 289 of the Treaty on the Functioning of the European Union – TFEU). Thus, votes on non-legislative acts, such as those relating to the Common Foreign and Security Policy (CFSP), were not included, due to the frequent lack of data on the results of votes on such regulations. Third, the analysis took into account only votes on the Council's final positions on proposals, which concluded legislative procedures. Hence, it excluded votes at the first or second reading of the OLP, which were then voted on again in the Council at the next reading. After applying the above criteria, a sample of 1,146 votes was obtained.

The collected empirical material has been processed in such a way as to obtain panel data, that is, to be able to describe the average success of member states in voting in each year of the 10-year period. In other words, the study focuses not on individual votes, but individual countries in every year of the 2009-2019 period [number of countries (28) x number of years (10)]. Every year is counted from 1 July of a given year (for 2009, by way of exception, from 1 December) to 30 June of the following year. The total database thus comprises 276 observations.[8]

Coding of the variables

The dependent variable in this study is a member state's success in the Council (*Success in the Council*). It has been coded quantitatively as the percentage of votes in a given year from the 2009-2019 period in which a country cast a negative vote, that is, it voted against or abstained. The higher the percentage, the lower the satisfaction with the final results of negotiations on

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[7] The Council's internal documents are available at: https://www.consilium.europa.eu/en/documents-publications/public-register/.

[8] The database does not comprise 280 observations because Croatia did not become an EU member until 1 July 2013 so there is no data for this country in 2009-2013 (4 years).

a given act in the Council, and therefore the lower the country's success in this institution. Hence, an ideal assumption has been made that the member state succeeded in negotiations if it had voted in favour of a legislative act and that it had failed if it voted against or abstained. Admittedly, abstention and opposition are not identical means of voting and can result from different motives; however, the present study is based on the methodology of other empirical studies that treat both ways of voting as a single category (see Hosli, Mattila, Uriot 2011; Bailer, Mattila, Schneider 2015).

At this point, it should be emphasised that a country's vote in favour of a legislative act does not always mean that it has achieved success and satisfaction with the final outcome. It is argued in the literature that governments sometimes do not contest legislation in the Council when they are defeated in negotiations, because they are afraid that they will be accused by the domestic opposition or public opinion of badly defending national interests, and accordingly may lose political support (Novak 2013). Moreover, the lack of opposition may result from issue-linkage; despite losing negotiations on a particular regulation, the member state eventually supported it because in return it received (or was promised to receive in the future) concessions on another piece of legislation (König, Junge 2009). Unfortunately, it is not always possible to track down such situations due to the lack of information about the course of internal negotiations in the Council. Therefore, the assumed indicator of a member state's success in the Council, as measured by the number of contestations, is not ideal.

Besides the dependent variable, one independent variable and two control variables have also been coded. The independent variable is *State*. It is nominal and comprises 28 categories relating to each member state. This predictor will be used to analyse success in the Council from the point of view of its members, including Germany. The first control variable, *Period*, includes the impact of time on member states' success in the Council. It is nominal and consists of 10 categories corresponding to subsequent years (counted from 1 July to 30 June) from 1 December 2009 to 1 July 2019. The second control variable, *EU Policies*, will be used to analyse if and how member states' success in the Council varied across policy areas that the voted proposal concerned. These areas were defined using the European Parliament committees that had jurisdiction over the proposal. The analysis includes only those areas with at least 25 negative votes in the Council. As a result, the variable *EU Policies* consists of 10 categories: 1 – Agriculture and Rural Development (AGRI), 2 – Budgets (BUDG), 3 – Economic and Monetary Affairs (ECON), 4 – Employment and Social Affairs (EMPL), 5 – Environment, Public Health and Food Safety (ENVI), 6 – Internal

Market and Consumer Protection (IMCO), 7 – Industry, Research and Energy (ITRE), 8 – Civil Liberties, Justice and Home Affairs (LIBE), 9 – Transport and Tourism (TRAN), 10 – Legal Affairs (JURI).

Hypothesis testing techniques

Hypothesis testing will be conducted using three quantitative techniques. Descriptive statistics will be implemented first, notably measures of the distribution of the dependent variable (including the arithmetic mean). They will be used to compare the average success of Germany and the other member states in the Council from 2009 to 2019, both overall and in individual EU policy areas. In addition, descriptive statistics will make it possible to see how Germany's level of contestation has changed over time.

The second statistical technique is linear regression (Fox 2008). Its aim is to estimate the linear relationship (best fitted to the data) between the dependent variable (y) and the independent variable (x) under certain assumptions, and to determine the statistical significance of this relationship. In the present study, the dependent variable will be *Success in the Council* while the independent one – *State*, containing 28 categories corresponding to each member state (see the subsection *Coding of the variables*). Regression analysis will make it possible to test whether there are significant positive or negative relationships between specific member states and achieved voting success in the Council, as measured by the percentage of contested legislation. This technique will also allow to explore whether Germany's success in the Council in 2009-2019 was statistically significantly different from the other member states, and if so, to what extent and in which direction (was it significantly lower or higher?).

Finally, the third technique is multidimensional scaling (MDS, Cox, Cox 2001). It is used to investigate similarities between objects and detect hidden variables that explain them. MDS arranges objects in n-dimensional space in such a way that similar objects are placed close to each other and those that are different are located further apart. The advantage of this technique is that it positions objects according to their relative rather than absolute coherence, e.g. the coherence between objects A (Germany) and B (Poland) relative to their coherence with object C (the Netherlands). In the present study, MDS will involve arranging member states in a two-dimensional space (i.e., on a graph with x and y axes) in terms of the voting consistency in the Council in such a way that states voting in line with each other are close to each other and those voting differently are located further apart. Based on the obtained re-

sults, an analysis will be made of Germany's coalition capacity in the Council to show with which countries Germany most frequently votes in unison and divergence, and what capacity it has to build winning and blocking coalitions.

Hypothesis testing – analyzing Germany's genuine level of voting success in the Council

Descriptive statistics

Figure 1 shows the average success levels of member states in the Council. The points represent the average number of contestations (objections or abstentions) filed annually by a member state in the 2009-2019 period. As a reminder: the smaller the number, the greater the success. Overall, the figure confirms the finding that objections to legislation in the Council are still infrequent, which the literature explains in various ways, including "consensus culture", i.e. the deeply-rooted norm of making the broadest possible compromises (Lewis 2005; Ławniczak 2018), issue-linkage, i.e. trading preferences of varying intensity to reach a compromise that would satisfy all states (Kirpsza 2023; König, Junge 2009) or appropriate coalition dynamics aimed at building blocking minorities (Häge 2013). In the period under review, only 2.6% of legislation per year was contested, resulting in an impressive 97.4% level of support from Council members, well above the first threshold of the double majority rule (55%). Importantly, this level did not fluctuate significantly over time. This is because the ANOVA test shows that the differences in mean levels of contestation in the 2009-2019 period are not statistically significant (F=0.33, p=0.964). This means that – in line with some predictions (Kirpsza 2011b) – the financial and migration crises that hit the EU in 2009 and 2015, the prospect of Brexit, the rise of nationalist sentiment in member states or the seizure of power in some countries by populist and extreme parties (e.g., SYRIZA in Greece in 2015 or FIDESZ in Hungary in 2010) have not undermined consensualism in the Council. Between 2009 and 2019, the country that by far most frequently contested EU legislation was the United Kingdom, which opposed on average about 14% of legislation per year. By contrast, France (0.21% per year, only three contestations in the period under review) and Lithuania (0.39%, only four contestations) were by far the least contesting countries.

Of all member states, Germany is in a high fourth place in Figure 1. Between 2009 and 2019, this country submitted a total of 55 negative votes and

contested an average of 4.5% legislative acts per year. This result is surprising since it means that Germany achieved one of the lowest levels of success in the Council, as measured by the percentage of contested regulations. Contrary to expectations derived from voting power theory, this country loses a relatively high number of votes in the Council. Despite having the greatest voting power in this institution, Germany is often unable to build winning or blocking coalitions or negotiate compromises that would satisfy its preferences. This is all the more interesting that the other country with the greatest voting power, France, is at the other end of the figure, which implies that it is much more successful than Germany in pursuing its interests in the Council.

Figure 1

Average success of member states in the Council as measured by the number of contestations (objections and abstentions) between 2009 and 2019
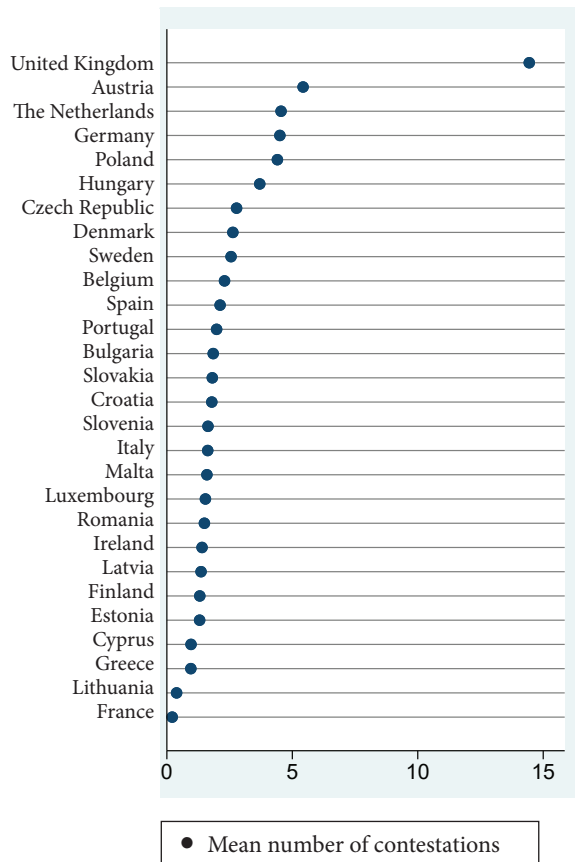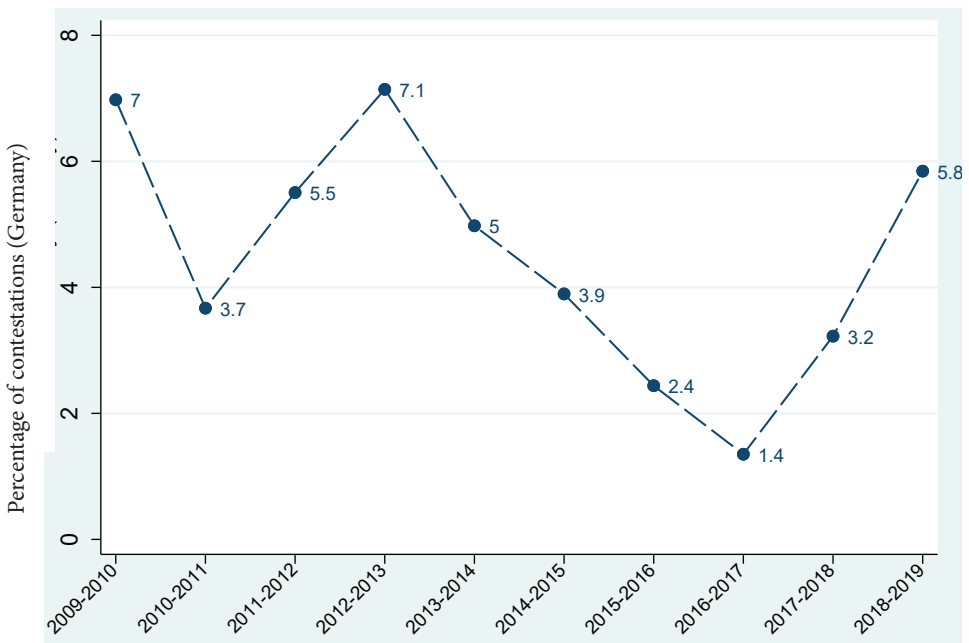

Source: Council (2020)

Has this low level of Germany's success in the Council been permanent or has it changed over time? The answer is provided by Figure 2, which shows a temporal analysis of Germany's level of contestation in 2009-2019 (see the *Period* variable). Overall, it reveals the presence of several fluctuations. In the first period, roughly from 1 December 2009 to 30 June 2013, Germany lost the most votes, especially in 2009-2010 and 2012-2013 (about 7%). Then, the period from 1 July 2013 to 30 June 2017 saw a downward trend in the level of contestation, which in 2016-2017 reached its lowest limit – a mere 1.4%. This was followed again by a rise in the percentage of negative notes, up to 5.8% in 2018-2019. Overall, the above results show that Germany was less successful in the seventh European Parliament (2009-2014) than in the eighth (2014-2019). This assumption is confirmed by a statistically significant result of the Student's *t*-test for independent samples ($t=-2.318$, $p=0.0491$) which compares the mean values for the two groups (2009-2014 – the first group; 2014-2019 – the second group). This means that Germany's success in the Council was significantly different and higher in 2014-2019 than in 2009-2014.

Figure 2

Mean level of Germany's success in the Council as measured by the number of contestations between 2009 and 2019

Source: Council (2020)

What could be the reason for such a significant temporal change in Germany's level of success in the Council? The literature argues that the key factor determining the government's inclination to vote against EU legislation is its ideological positioning along the left-right line (Hosli, Matilla, Uriot 2011; Mattila 2009). Based on this argument, it can be said that the main reason for the increase in Germany's success after 2013 could have been the change of government in this country following the 22 September 2013 parliamentary elections. As a result, the centre-right *CDU/CSU-FDP* government was replaced by the so-called grand coalition of the *CDU/CSU* and *SPD*. This resulted in the government's shift toward the centre and forced a search for compromises between parties that were ideologically quite far apart. That change likely brought Germany's preferences closer to other countries and hence increased the possibility of their attainment. With regard to the rise in contestation after 2017, it could have been caused by the longest formation of a government coalition in German history after the 24 September 2017 elections, when first the so-called Jamaica coalition (the *CDU/CSU – FDP* – Greens), and then, with great difficulty, "a grand coalition" was built again.

Germany's level of success in the Council may vary not only temporally, but also materially. Table 1 features the mean number of EU laws contested between 2009 and 2019 by national governments in the ten most important EU policies (see the *EU Policies* variable). The table shows that during the period under review, Germany most often opposed legislation in four areas: employment and social affairs (14.2% of proposals contested in this area), agriculture and rural development (11.1%), internal market and consumer protection (9.7%), and transport and tourism (9.1%). At the same time, in these four policies, Germany was among the top three member states that most often lost voting in the Council. Moreover, despite its low level of contestation, Germany was also one of the three most frequently outvoted states in two additional areas: economic and monetary affairs (2.1%) and civil liberties, justice and home affairs (5.9%). Overall, in 2009-2019, of all member states Germany was the least successful in advancing its preferences in the Council in six out of the 10 policies under review.

Table 1.

Member states success in the Council (measured by their level of contestation) by EU policies 2009-2019

Member state	AGRI	BUDG	ECON	EMPL	ENVI	IMCO	ITRE	LIBE	TRAN	JURI
Austria	7.4	7.6	1.4	7.1	**8.8**	8.3	4.1	**8.5**	4.5	**9.8**
Belgium	5.5	1.9	0	2.3	4.8	4.1	4.1	.85	0	3.9

Bulgaria	1.8	0	0	0	7.1	**11.1**	2.7	1.7	0	.98
Croatia	0	0	0	7.1	4.0	0	**11.6**	0	0	0
Cyprus	1.8	0	0	0	2.4	0	1.3	0	1.1	.98
Czech Republic	7.4	0	.70	4.7	7.2	2.7	4.1	5.1	1.1	4.9
Denmark	7.4	3.8	0	4.8	7.2	4.1	0	0	1.1	3.4
Estonia	3.7	0	0	2.3	3.2	2.7	0	0	2.3	4
Finland	1.8	2.8	1.4	0	.80	1.3	1.3	2.5	0	.98
France	0	0	0	0	1.6	1.3	0	0	0	0
Germany	**11.1**	.95	**2.1**	**14.2**	6.4	**9.7**	2.7	**5.9**	**9.1**	3.9
Greece	0	.95	0	0	2.4	0	2.7	1.7	1.1	.98
Hungary	7.4	0	0	**14.2**	**12.8**	0	2.7	4.3	0	4
Ireland	5.5	0	0	2.3	1.6	1.3	0	1.7	3.5	0
Italy	1.8	1.9	0	2.3	2.4	2.7	0	0	4.5	3
Latvia	1.8	1.9	.70	4.7	4.8	1.3	0	0	0	0
Lithuania	1.8	0	0	2.3	.80	1.3	0	0	0	0
Luxembourg	1.8	.95	**2.1**	0	1.6	2.7	0	0	3.4	2.9
Malta	0	0	0	7.1	4	1.3	2.7	2.5	1.1	1.9
Netherlands	**12.9**	**14.3**	1.4	2.3	3.2	2.7	2.7	2.5	2.3	**8.8**
Poland	3.7	2.8	.70	11.9	**12.9**	2.7	0	3.4	**6.8**	2
Portugal	0	3.8	1.4	0	4.8	0	1.3	0	2.2	1.9
Romania	1.8	.95	0	0	5.5	1.3	0	.86	0	1
Slovakia	5.5	0	0	2.4	3.2	4.1	**5.4**	1.7	2.2	.98
Slovenia	3.7	1.9	1.4	2.4	.80	0	1.3	1.7	1.1	5
Spain	0	1.9	0	0	1.6	4.1	4.1	1.7	2.2	6
Sweden	5.5	**14.3**	0	2.4	.80	2.7	1.3	0	0	2.9
United Kingdom	**20.3**	**37.1**	**6.3**	**21.4**	6.4	**12.5**	**6.8**	**17.8**	**13.9**	**9.3**

Explanations: The three highest contestation scores in each EU policy are in bold

Source: Council (2020)

Several conclusions can be drawn from the above material distribution of Germany's success in the Council. First, the high level of contestation in the transport policy indicates that Germany has not been successful in pushing the interests of its automotive sector (e.g., *Volkswagen AG, BMW AG, Daimler AG* or *Adam Opel AG*) and transport services (e.g., *Deutsche Bahn*) at the EU level. Second, the low level of success in the area of the EU's internal mar-

ket shows that while Germany is its biggest beneficiary economically, at the same time it does not play a hegemonic role in shaping its legal framework. Third, the high level of contestation in the employment policy may indicate that Germany's preferences in this field, especially on the flow of workers and services, access to national labour markets or working conditions, are not acceptable to the other member states. Fourth, the low level of success in economic and monetary affairs challenges the widespread view, aired especially during the 2010-2015 eurozone reform (as indicated in the introduction), that Germany – by virtue of its economic power – has the greatest influence on the shape of legislation concerning the EU economy.

Linear regression

As Figure 1 shows, the differences between the success values of member states in the Council between 2009 and 2019 are not large. In fact, all countries – with the exception of the UK – have very similar levels of contestation ranging between 0% and 5% of legislation per year. It is therefore difficult to determine, based on descriptive statistics, which member states, especially Germany, are indeed more likely to win or lose votes in the Council. To resolve this issue, a linear regression analysis has been carried out to investigate the relationship between success in the Council (the dependent variable *Success in the Council*) and a given country (the independent variable *State*). Denmark has been selected as the reference (comparison) category in the independent variable *State*, since the mean number of legislative acts contested per year by this country (2.63%) was almost the same as the average for all states (2.6%). Since a member state's propensity for contestation can vary over time (e.g., due to a government change), two models of regression have been constructed. Model 1 has been estimated on the basis of normal standard errors; therefore it does not include the effect of time. By contrast, Model 2 has been created using robust standard errors clustered by the years 2009-2019 (the *Period* control variable) so it does take into account the temporal effect (*cluster S.E.*). Moreover, as the descriptive statistics showed, the United Kingdom is an outlier, which can distort the regression results. For this reason, two additional models 3 and 4 have been estimated, which replicate models 1 and 2, but without observations for this country.

Table 2

Results of linear regression

	Model 1 (*normal S.E.*)	Model 2 (*cluster S.E.*)	Model 3 (*normal S.E.*)	Model 4 (*cluster S.E.*)
Germany	**1.874****	**1.874****	**1.874****	**1.874****
	(0.832)	**(0.635)**	**(0.770)**	**(0.635)**
Austria	**2.799*****	**2.799****	**2.799*****	**2.799****
	(0.832)	**(0.976)**	**(0.770)**	**(0.976)**
Belgium	-0.332	-0.332	-0.332	-0.332
	(0.832)	(1.083)	(0.770)	(1.083)
Bulgaria	-0.783	-0.783	-0.783	-0.783
	(0.832)	(0.630)	(0.770)	(0.630)
Croatia	-0.839	-0.839	-0.839	-0.839
	(0.961)	(1.014)	(0.889)	(1.014)
Cyprus	**-1.666****	-1.666	**-1.666****	-1.666
	(0.832)	(0.979)	**(0.770)**	(0.979)
Czech Republic	0.149	0.149	0.149	0.149
	(0.832)	(0.740)	(0.770)	(0.740)
Denmark (ref. cat.)				
Estonia	-1.324	**-1.324***	**-1.324***	**-1.324***
	(0.832)	**(0.694)**	**(0.770)**	**(0.694)**
Finland	-1.318	-1.318	**-1.318***	-1.318
	(0.832)	(0.817)	**(0.770)**	(0.817)
France	**-2.417*****	**-2.417*****	**-2.417*****	**-2.417*****
	(0.832)	**(0.714)**	**(0.770)**	**(0.714)**
Greece	**-1.675****	**-1.675***	**-1.675****	**-1.675***
	(0.832)	**(0.810)**	**(0.770)**	**(0.810)**
Hungary	1.072	1.072	1.072	1.072
	(0.832)	(1.473)	(0.770)	(1.473)
Ireland	-1.228	**-1.228****	-1.228	**-1.228****
	(0.832)	**(0.517)**	(0.770)	**(0.517)**
Italy	-1.002	-1.002	-1.002	-1.002
	(0.832)	(0.771)	(0.770)	(0.771)
Latvia	-1.268	-1.268	-1.268	-1.268
	(0.832)	(1.034)	(0.770)	(1.034)
Lithuania	**-2.242*****	**-2.242****	**-2.242*****	**-2.242****
	(0.832)	**(0.822)**	**(0.770)**	**(0.822)**

Luxembourg	-1.093	-1.093	-1.093	-1.093
	(0.832)	(0.633)	(0.770)	(0.633)
Malta	-1.034	-1.034	-1.034	-1.034
	(0.832)	(0.710)	(0.770)	(0.710)
Netherlands	**1.921****	1.921	**1.921****	1.921
	(0.832)	(1.056)	**(0.770)**	(1.056)
Poland	**1.775****	1.775	**1.775****	1.775
	(0.832)	(1.518)	**(0.770)**	(1.518)
Portugal	-0.648	-0.648	-0.648	-0.648
	(0.832)	(1.160)	(0.770)	(1.160)
Romania	-1.134	-1.134	-1.134	-1.134
	(0.832)	(0.902)	(0.770)	(0.902)
Slovakia	-0.819	-0.819	-0.819	-0.819
	(0.832)	(0.881)	(0.770)	(0.881)
Slovenia	-0.991	-0.991	-0.991	-0.991
	(0.832)	(0.752)	(0.770)	(0.752)
Spain	-0.508	-0.508	-0.508	-0.508
	(0.832)	(0.924)	(0.770)	(0.924)
Sweden	-0.071	-0.071	-0.071	-0.071
	(0.832)	(0.820)	(0.770)	(0.820)
United Kingdom	**11.814*****	**11.814*****		
	(0.832)	**(1.851)**		
Constant	2.629***	2.629***	2.629***	2.629***
	(0.588)	(0.678)	(0.544)	(0.678)
R^2	0.689	0.689	0.386	0.386
BIC	1253.801	1147.014	1166.246	1065.743
N	276	276	266	266

Notes: * – $p < 0.1$, ** – $p < 0.05$, *** – $p < 0.01$. Standard errors are in parentheses. *BIC* – Bayesian Information Criterion. *N* – number of observations.

Table 2 shows the results of the linear regression. Starting with general conclusions, the R^2 value of the models indicates that as much as 69% of the success variance (a dependent variable), and thus contestation in the Council, is explained by a member state itself. In other words, knowing the member state makes it possible to determine whether it will often or rarely contest the Council's legislation, regardless of other factors. Furthermore, the regression results challenge the claim that there are no clear winners and losers in the

Council, which is supposed to be a product of a "consensus culture". This is supported by the statistically significant coefficients of 11 member states, reporting that they achieve significantly higher or lower levels of success than the reference category. Finally, the results of the models with and without the UK are, with the two exceptions of Estonia and Finland, identical. This means that this country's high propensity for contestation does not distort the results.

The results yield three conclusions about Germany's success. First, the coefficient of the *Germany* variable is positive, high and statistically significant in all of the models. This means that Germany is significantly more likely to contest legislation in the Council compared to the other member states. All other things being equal, this country contests on average about 1.87 percentage points more EU acts per year than the country defined as the reference category, i.e. Denmark. This result proves that, contrary to the claims of voting power theory, Germany is one of the biggest losers in the Council. Not only does it not win most of the votes in this institution, but its success level is significantly lower than that of the other member states. Hence, the likelihood that Germany will be the most frequently outvoted state in the Council is very high. Therefore, the hypothesis about Germany's dominance in the Council is not true.

Second, besides Germany, only two countries – the UK and Austria – have such positive and statistically significant coefficients in all models. This means that the success of these member states in the Council is significantly lower than that of the other countries, and this is regardless of the effect of time. It is worth noting that the coefficients of the other two member states with the highest level of contestation (see Figure 1), i.e. Poland and the Netherlands, are statistically significant in models 1 and 3, but lose this significance in models 2 and 4. This means that their propensity for contestation and thus their level of success in the Council are strongly correlated with time. A good case in point is Poland. The 2015 parliamentary elections brought a significant political change in this country, when the centre-right PO-PSL government was replaced by the more right-wing United Right coalition. Since then, there has been a noticeable increase in the percentage of legislation contested by Poland: from an average of 3% per year in the PO-PSL period (2009-2015) to 6.5% per year in the 2015-2019 period. Overall, the above results lead to the conclusion that Germany is in the narrow club of the Council's three biggest losers, which have clearly achieved the lowest level of satisfaction with the legislative compromises reached.

Third, the regression results also reveal three member states that achieve a significantly higher level of success in the Council than the others, namely France, Greece and Lithuania. Indeed, the coefficients of the variables corresponding to these countries are negative and statistically significant in all models. This means that they are by far the least likely to contest legislation in the Council, which in turn indicates their high negotiating and coalition-building capacity to achieve results in line with their preferences. However, while the presence of France in this group is not surprising, given the country's level of voting power, that of Lithuania or Greece is. Moreover, when the effect of time is taken into account (models 2 and 4), Estonia and Ireland, again surprisingly, join the ranks of the biggest winners in the Council. Cyprus, in turn, loses statistical significance, meaning that its success is strongly time-dependent. All in all, the above findings give the lie to the frequent view that it is the big countries that dictate the terms and outcomes of negotiations in the Council. At the same time, they confirm the results of earlier studies based on the spatial analysis of preferences in the EU legislative process, according to which small countries achieve better bargaining outcomes than those with high voting power (Golub 2012; Lundgren, Bailer, Dellmuth et al. 2019).

Multidimensional scaling

Finally, it is worth looking at Germany's coalition-forming activity. As has already been mentioned, decisions in this institution are, as a rule, made by qualified majority, which means that Germany and other member states need to construct appropriate winning or blocking coalitions if they want to force their preferences. To see with which countries Germany most frequently enters into coalitions, and how these coalitions translate into success, a multidimensional scaling analysis has been conducted. Its results are shown in Figure 3. As a reminder, countries that are close to each other are characterised by a high level of voting coherence in the Council (strong coalition capacity), while those more remote vote less consensually (low coalition capacity).

Figure 3 shows that most of the member states are very close to each other, being clustered around the (0,0) point, a sign of strong consensualism in the Council. Nevertheless, there are some noticeable exceptions. First of all, the figure confirms the already-mentioned isolationist position of the UK. This is indicated by its considerable distance from the other member states, especially in the first dimension. The other countries with the highest contestation, namely Austria, the Netherlands, Poland and Hungary, are also distant from the centre and isolated (with the exception of Poland and Hungary, which are

close to each other), with their peripherality, unlike the UK, in the second dimension, not the first one. Germany, too, is isolated and at a considerable distance from the remaining member states, especially in the first dimension. Two conclusions can be drawn here.

Figure 3

Results of multidimensional scaling
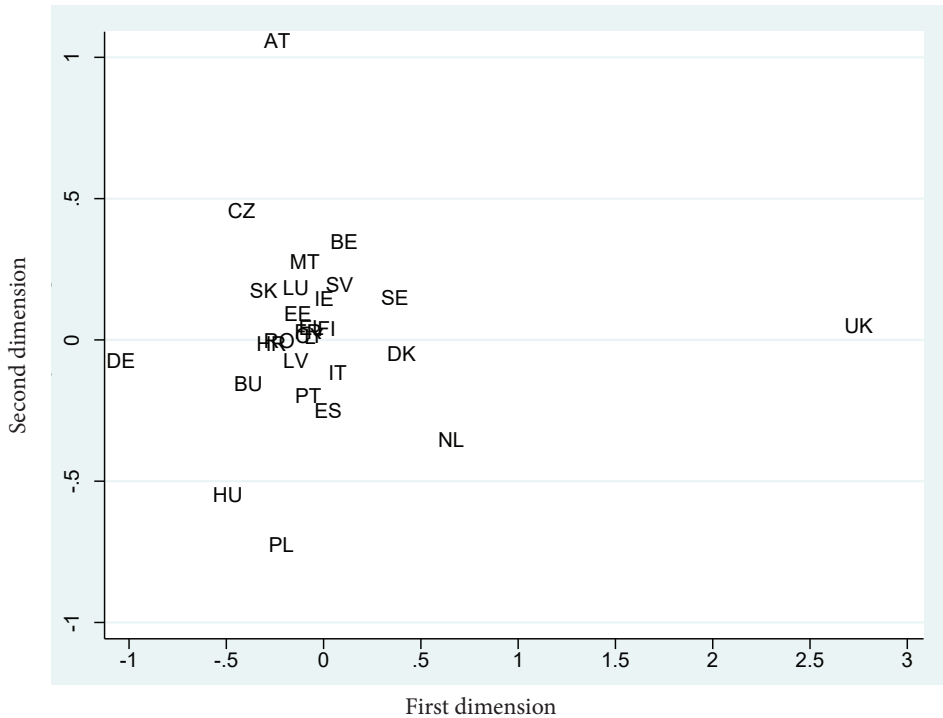
Acronyms: AT – Austria; BE – Belgium, BU – Bulgaria; CY – Cyprus, CZ – Czech Republic, DE – Germany, DK – Denmark, ES – Spain, EE – Estonia, EL – Greece, FI – Finland, FR – France, HR – Croatia, HU – Hungary, IE – Ireland, IT – Italy, LT – Lithuania, LU – Luxembourg, LV – Latvia, MT – Malta, NL – Netherlands, PL – Poland, PT – Portugal, RO – Romania, SE – Sweden, SK – Slovakia, SV – Slovenia, UK – United Kingdom
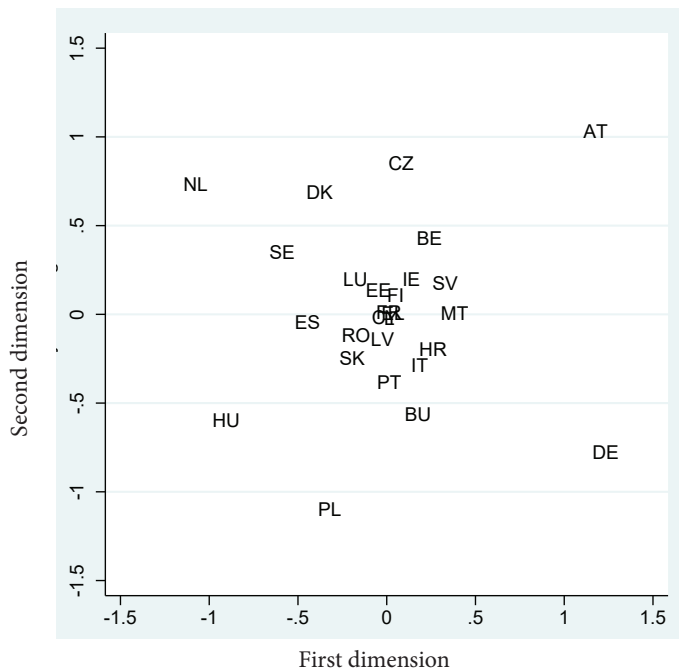
Source: Council (2020)

First, the isolated position indicates that Germany contests EU legislation on its own, without any coalition partners. Like the UK or Austria, this country is most frequently excluded from and isolated in negotiations; the vast majority of the other member states are able to work out satisfactory compromises on legislation, which, however, do not take Germany's preferences into account. Germany's peripheral position is somewhat surprising. In the light of voting

power theory, other member states should rather gravitate towards the EU's most populous country as its support and significant voting power give it a bigger chance to build a blocking minority, which in turn ensures concessions and increases bargaining success (Warntjen 2017). Meanwhile, the opposite is true.

Second, Germany's considerable remoteness and isolation also indicate that this country has serious difficulty in building winning coalitions and blocking minorities in the Council. There are no other countries around Germany with which it has high voting compatibility, and thus is able to build such coalitions. Also, the analysis does not show any permanent or geographic alliances (such as between Portugal and Spain or Poland and Hungary) involving Germany. Interestingly, however, recent research has found that of all the member states with the highest voting power (France, UK, Italy, Spain, Poland), only a coalition with Poland brings Germany a significantly higher level of bargaining success (Kirpsza 2020).

Figure 4

Results of multidimensional scaling (excluding the UK)

The key to the acronyms can be found under Figure 3.

Source: Council (2020)

What could be the reasons for such a peripheral position of Germany in the Council? Two factors seem to be of paramount importance, the first one being the radicalism of Germany's preferences. Research based on spatial analysis has shown that this country takes the most extreme positions on EU legislation (Kirpsza 2019: 69). As a result, Germany has difficulty in finding coalition partners with similar preferences, and it has to make far-reaching concessions to ensure that its position is at least minimally included in the final piece of legislation. At this point the second factor emerges: Germany's low propensity to make such concessions. Research has shown that, of all Council members, this country is, on the one hand, the least willing to make concessions, and, on the other hand, it most often demands them from the other member states (Naurin 2015: 737). This tactic, however, does not ensure a higher level of success as it deprives Germany of the possibility of using issue linkage, a practice that brings better bargaining results for countries that, like Germany, have preferences of varying intensity and high extremes (Kirpsza 2016, 2023).

Given that the United Kingdom is an outlier, which can distort the scaling results, it has been decided to remove this country from the analysis with a view to calculating the voting coherence among the Council members without the UK. Its exclusion has brought another advantage, namely it makes it possible to predict Germany's level of success after the UK leaves the EU. The results on the new sample are shown in Figure 4. Even though Germany has moved from the left to the right side of the figure, it is still at a significant distance from the other member states. This means that after the 2020 Brexit, Germany will remain isolated in the Council, having serious difficulty in finding coalition partners. As a result, Germany's success in this institution will continue to be at a relatively low level.

Conclusions

This paper aimed to empirically test the hypothesis, derived from voting power theory, that Germany is the hegemon in the Council, shaping bargaining outcomes in this institution to the greatest extent and being the most successful in attaining its preferences. This claim has been tested by analyzing the success of member states, including Germany, in the Council, as measured by the percentage of contestations (objections and abstentions) they submitted to EU legislation between 2009 and 2019. To this aim, three statistical techniques have been used: descriptive statistics, linear regression and multidimensional scaling.

Overall, the results obtained did not corroborate the hypothesis of German hegemony. Contrary to theoretical predictions and a common belief deeply rooted in public opinion and academic literature, Germany is not only far from being the most successful negotiator in the Council, but it also achieves one of the lowest levels of success in this institution. This conclusion stems from the following findings.

First, the descriptive statistics analysis showed that Germany is one of the member states that most often lose votes in the Council. Between 2009 and 2019, it ranked fourth in terms of the percentage of EU acts contested, with its propensity to raise objections being significantly higher in 2009-2014 than in 2014-2019. Importantly, Germany was among the top three most frequently outvoted member states in six of the ten EU policies under review, particularly in areas of vital importance to this country, such as: employment, internal market, transport, economic and monetary affairs, and home affairs.

Second, the linear regression analysis showed that Germany's success in the Council is statistically significantly lower than that of the other states. Despite having the greatest voting power, Germany is significantly more likely to oppose the Council's legislation than the average member state. This means that this country is very frequently the least satisfied with the final shape of the new legislation. As a result, Germany is – alongside the UK and Austria – in the narrow group of the three biggest losers in the Council. Significantly, the analysis also showed that the biggest winner of votes in this institution is Germany's most important partner in the EU, namely France.

Third, the multidimensional scaling analysis showed that Germany has serious difficulty in building winning coalitions and blocking minorities in the Council, which may be key to its low level of success. It has been demonstrated that Germany is well behind the other member states in terms of voting coherence. This results in Germany contesting EU legislation individually, being predominantly lone losers, and having no permanent or close coalition partner with similar preferences. The paper provides two key reasons for Germany's position in the Council being so peripheral: the radicalism of its preferences and its low willingness to make bargaining concessions. Based on the scaling results, the paper also predicts that after the 2020 Brexit, Germany will continue to be isolated in the Council and its success level will remain low.

In addition to negatively verifying the view of Germany's legislative dominance in the EU, the paper also enriches theoretical knowledge about decision-making in the Council. Indeed, the results obtained challenge voting power theory, according to which a country's success in this institution is a function of its voting power. This statement is contradicted not only by the registered high

percentage of objections raised by Germany, the UK or Poland, which are member states with high voting power, but also by the very low propensity for contestation of the smallest countries, such as Lithuania, Cyprus or Estonia. Other studies based on spatial analysis have also found that voting power has no impact on success in the Council (Arregui 2016). It seems that the main problem with voting power theory is that it does not take into account the nature of actors' preferences in the analysis. After all, a country's voting power can only matter if the country has the right preferences, that is when their proximity and intensity in the context of the positions of the other actors allow it to build blocking or winning coalitions. Therefore, determining a member state's influence in the EU solely by means of various abstract indicators is debatable. This is because – as the above analysis has shown – a state's high formal power does not automatically translate into that state's higher real bargaining success. Its influence is in fact determined by additional factors, such as the distribution of preferences.

Moreover, the article calls into question the "consensus culture" hypothesis, which says that negotiations in the Council do not generate clear losers and winners. This is because regression analysis has revealed at least six countries that achieve significantly higher or lower levels of success than the others.

Finally, an important limitation of the above analysis should be mentioned: measuring a member state's success in the Council by the percentage of contested EU legislation is not a perfect solution. As mentioned in the theoretical section, even if a government has lost negotiations on a particular proposal, it can still support it in a vote because, for example, it has gained concessions on another regulation, it wants to cover up its defeat or avoid being accused by the domestic opposition of doing a poor job of defending national interests. Hence, an accusation can be made that the results presented in the paper are distorted since they do not take into account the above cases. It is worth noting, however, that the observed poor-showing of Germany in the Council is fairly consistent with other, more general studies, notably those based on spatial preference analysis (see Golub 2012; Kirpsza 2019; Lundgren, Bailer, Dellmuth et al. 2019).

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ABSTRACT

This paper aims to empirically test the hypothesis, derived from voting power theory, that Germany is the hegemon in the Council of the European Union (the Council), determining bargaining outcomes in this institution and being the most successful in attaining its preferences. This claim, deeply rooted in public opinion and academic literature, is tested by analysing the bargaining success of member states, including Germany, in the Council, as measured as the number of times they contested (voted against or abstained from voting) EU legislative acts in the years 2009-2019. To this aim, three statistical techniques are used: descriptive statistics, linear regression and multidimensional scaling.

Overall, the hypothesis of German hegemony has not been corroborated. On the contrary, this country was found to be among the least successful countries in the Council. This conclusion comes from the following findings. First, the analysis of descriptive statistics showed that Germany is one of the countries that most often contests legislation and loses votes in the Council. Second, the linear regression analysis demonstrated that Germany's success in the Council is statistically significantly lower than that of the other states. As a result, the country is in the narrow group of the three biggest losers in the institution. Third, the multidimensional scaling analysis revealed that Germany has serious difficulty in building winning coalitions and blocking minorities in the Council as it has essentially no permanent or close coalition partner. The paper argues that such a peripheral position for Germany in the Council is due to the radicalism of its preferences and its low propensity to grant concessions in negotiations. The article also predicts that after the UK leaves the EU, Germany will continue to be isolated in the Council and its voting success in this institution will remain low.