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A Politics of Institutional Choice Approach

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Research Article

Coordination of EU Policy Positions in Germany and Denmark: A Politics of Institutional Choice Approach

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Abstract

This article examines the coordination mechanisms, in Germany and Denmark, which develop negotiation positions for the Council in the European Union (EU). The analysis studies these mechanisms through the lens of the 'politics of institutional choice' approach, which previous scholars have applied to examine EU coordination in Eastern and Central Europe. The results demonstrate that the approach travels well to EU member states in Western Europe. More precisely, they show that the power of the individual ministers, as well as the type of government (minority vs. majority), are important factors in explaining differences in the way the two member states handle EU coordination. This strengthens the argument that the traits of the EU coordination mechanisms in EU member states are a function of power relations between domestic actors.

Key words

EU coordination; Germany; Denmark; domestic politics; 'politics of institutional choice'; veto players.

What are the key factors behind how member states develop positions for the negotiations in the Council of Ministers? This is the central question examined in this article for the cases of Germany and Denmark. Member states of the European Union (EU) send representatives to the Council who should be authorised to commit their countries in the negotiations. These national representatives usually act in accordance with instructions or positions from their governments. To develop the instructions for their representatives, member states have established an EU coordination mechanism (Kassim et al. 2000; Kassim 2003a; Dimitrova and Toshkov 2007; Panke 2010; Jensen 2014). This coordination mechanism is a structure containing interlinked units whose function is to align national EU-related activities to develop negotiation positions (see Figure 1 and 2 below).

The determinants behind EU coordination mechanisms are important, because they are the main devices for aggregating national preferences and transmitting them into the EU decision-making system. The EU adopts from 3,000 to 4,000 legislative acts every year, many of which have great impact on citizens (Wessels 1991; Hayes-Renshaw and Wallace 2005). Several studies have inquired into EU coordination mechanisms (for an overview see Burnsens 2007; Laffan 2007; Goetz and Meyer-Sahling 2008; Jensen and Nedergaard 2015). The studies differ in their research focus in terms of the number of countries under scrutiny and in the number of national dimensions included. However, coordination with regard to the negotiations in the Council is the intersection common to all (Kassim et al. 2000; Kassim et al. 2001; Bulmer and Burch 2001; Wessels et al. 2003; Kassim 2003a; Blumer and Lequesne ed. 2005; Dimitrova and Toshkov 2007; Fink-Hafner 2007; Panke 2010; Johansson and Raunio 2010; Gärtner et al. 2011). Although the analytical vocabulary differs, the studies all draw similar conclusions, finding few signs of convergence between national coordination mechanisms. This striking finding is consistent over time and regardless of the methodological and theoretical approaches used.

Researchers have put forward a number of factors, ranging from abstract concepts to concrete features of political systems, to account for the observed variation in national coordination mechanisms (Kassim 2000; Goetz and Meyer-Sahling 2008). Dimitrova and Toshkov (2007) suggested a promising

actor-based approach, and they successfully applied it to grasp the EU coordination, taking place in the new Eastern and Central European EU member states. In the present paper, we combine this approach with the veto player approach to examine factors, which may account for variation (Caporaso 2008). This study contributes to the level of knowledge about the determinants behind national coordination mechanisms by generating two propositions based on the 'politics of institutional choice' and the 'veto player' approach and empirically assessing them by focusing on Germany and Denmark as the two cases selected on the basis of the number of veto players, the size of the country, and variation as far as the power of the individual minister and the type of government is concerned. The article is structured as follows. Firstly, we develop two propositions, which aim at explaining variation in EU coordination mechanisms. Secondly, we set out the research design and put the propositions into operation. Thirdly, we outline and compare the coordination mechanisms of Germany and Denmark with reference to our propositions, and identify avenues for future studies to pursue.

ANALYTICAL FRAMEWORK

In this study, we focus on the adjustment made within member states to reach national positions for negotiations in the Council, which corresponds to the traditional top-down Europeanisation perspective (Schmidt 2002: 896). In agreement with Dimitrova and Toshkov (2007), we propose a framework taking domestic political actors as the main architects behind the institutional settings responsible for EU coordination. We take Dimitrova and Toshkov's (2007) framework, previously used with the Eastern and Central European member states and apply it to a comparative study of two diverse West European EU coordination mechanisms. Our work will demonstrate if the framework can perform well in two very different settings. Hereby, we point to the general use of Dimitrova and Toshkov's framework.

The rationale behind Dimitrova and Toshkov's approach is that actors benefit from one organizational configuration more than they benefit from another; as a result, they try to achieve their preferred institutional arrangement to maximize their influence on the positions uploaded to the European arena. We combine their approach with the concept of the veto players, which has gained prominence in Europeanisation studies in recent years (Caporaso 2008: 31-32). Veto players are, according to Tsebelis (2002), actors who cannot be opposed if change is to occur. In this study, we use the veto player concept because it helps generate explanations that we can match against the ways in which these member states organize their coordination mechanisms.

The veto player concept was originally developed to account for decision-making processes; however, in this context we use it as a systemic explanation to account for similarities and differences in coordination mechanisms. We expect that the coordination mechanism will reflect the equilibriums of power between actors of the political system. The mechanism underpinning this argument is that veto players will have an interest in maximising their influence vis-à-vis other actors in the coordination process and are in privileged positions to do so because they possess veto powers (Börzel 2002a: 28; Dimitrova and Toshkov 2007: 963-964).

Two propositions can be generated by combining the 'politics of institutional choice' approach with the veto player approach, regarding the coordination within the government (intra-government coordination mode) and between the government and the parliament (the government-parliament coordination mode). At the heart of the veto player concept lies the insight that the larger the number of veto players in a political system, the more difficult it will be to change the status quo (Tsebelis 2002: 3). This logic leads one to expect that coordination mechanisms embedded in political sys-

tems with many veto players are not likely to have a strong, authoritative centre, because of fears of agency loss. Thus, the veto players will oppose a centralized structure in which one unit is responsible for the coordination process. Instead, the coordination mechanisms are more likely to be decentralised to embrace the various veto players¹:

Proposition 1: The larger the number of veto players, the less centralised the coordination mechanism will be.

The second proposition focuses on the government-parliament mode of cooperation. Minority governments may not have a monopoly on agenda-setting, and they may therefore confront proposals from an opposition party that may be able to garner the necessary support from other opposition parties or from within in the government (Ganghof 2002). In addition, in a minority government, opposition parties can impose strong checks on a government to control its room for manoeuvre in the EU, and, hereby, reduce potential agency slack. Conversely, the political parties of a majority government have no interest in placing restrictions on themselves:

Proposition 2: Parliaments will have stronger control over the government in EU coordination matters under minority governments than under majority governments.

RESEARCH DESIGN

The research design is based on the method of structured focused comparison, which entails that the structures and processes of coordination is traced on a range of dimensions according to the same set of collection parameters (George and Bennett 2005: 67). This paper focuses on the two Western European EU member states, Germany and Denmark. They are selected due to the fact that they vary considerably with regards to the number and constellation of veto players. An explanation for some of this variation in their coordination mechanisms is expected to be found in the configuration of veto players in each political system. The study relies on different sources: political and administrative papers describing the coordination mechanisms; academic literature on EU coordination mechanisms; and a number of interviews conducted since 2010 with key actors from the two member states involved in the coordination process (see list after the references).

The coordination mechanisms will be disaggregated to create cases-within-cases by examining two key dimensions along which coordination normally takes place (Wessels et al. 2003): intra-government coordination, and government-parliament coordination. The table 1 operationalises the two propositions developed above and identifies a battery of indicators for each in order to assess their explanatory value.

Table 1. Operationalisation of the constellation of veto players

Independent variables	Dependent variables
Proposition 1: Number of veto players deletion Germany: Bundesrat, Bundestag, and Bundesverfassungsgericht Denmark: Folketinget	Coordination mechanisms' degree of centralisation and formal procedures deletion The existence of a centre in the coordination mechanism. Procedural authority given to the centre.

Independent variables	Dependent variables
	Substantial authority given to the centre. Location of the centre in ministerial system
Proposition 2: Veto power of the opposition in first chamber (yes/no) Germany (no) Denmark (yes)	Strength of parliaments in controlling the government (strong/weak) Assent necessary when defining government position (yes/no). Amount of information given to the parliament Number of cases examined (all-none). Involvement of specialised committees.

To operationalise the independent variables, we must identify the constellation of veto players in each political system by looking at actors whose veto power is ascribed by the constitution (i.e. the institutional veto players) and actors whose veto power is contingent on the partisan setup (i.e. partisan veto players) (Tsebelis 2002: 85–86). Veto players are intentionally operationalised in a restricted way, which favours parsimony over complexity, with the awareness that actors who may be granted veto power by established practices or non-constitutional rules are excluded. In that sense, we differ from Dimitrova and Toshkov (2007), who look at broader constellations of actors.

According to the German Basic Law (*Grundgesetz*), there are three institutional veto players in the political system; the parliament, which comprises two chambers — the Bundestag (article 38–49), and the Bundesrat (article 50–53a) — and the constitutional court, the Bundesverfassungsgericht (article 94–104). The Bundestag has a number of component partisan veto players. The ‘grand’ coalition government elected in September 2013 comprises three partisan veto players: the Christian Democratic Union (CDU), the Christian Social Union of Bavaria (CSU) and the Social Democratic Party (SPD). The Bundesrat should, according to Tsebelis (2002), be absorbed if the coalition government in the Bundestag also enjoys a majority in this chamber. This is currently not the case but even if it was, this only makes sense if the conflict dimension is socio-economic, but not if it concerns the balance of power between the two chambers. In other words, the Bundesrat is a veto player regardless of its party composition. The Bundesverfassungsgericht is a veto player under very special circumstances: e.g. in connection with treaty changes or new financial instruments of crisis management in the Eurozone.

The Danish unicameral parliament, the *Folketing*, is the only institutional veto player in the political system of Denmark, according to the constitution (Danmark Riges Grundlov 1953, Article 3). Minority governments have been the norm in the Danish political system since 1973 (Kurrild-Klitgaard et al. 2000) and the centre-left government elected in 2011–2015, comprised of Social Democrats, Social Liberals, and (until the beginning of 2014) Social People’s Party, or the present (2015–) centre-right government (Liberal Party) has been no exception. Contrary to Tsebelis’ contention (2002), the opposition can be a veto player, as we argued in the analytical framework. It is not possible to assign veto power to a specific party in the opposition—although the government has the support of a fixed party—as majorities form on a case-by-case basis as far as the EU issues are concerned (Dam-

gaard and Jensen 2006). Although the government has some agenda-setting power through its right to make the last amendment, in several instances it has faced alternative majorities or has been forced to make considerable concessions to the opposition to enable policy to pass (Damgaard and Jensen 2006). Thus, opposition parties are veto players, which is in correspondence with Dimitrova and Toshkov's (2007) approach.

As for the dependent variable in the intra-government coordination mode proposition, a decentralized mechanism is characterized by the fact that no single actor controls the process of aligning domestic preferences, whereas in a centralized mechanism a unit has the overall responsibility for coordination (Kassim 2003a). The dependent variable for the government-parliament mode proposition contains standard indicators for parliamentary control in EU affairs, such as the right to instruct the government and the scope of the scrutiny process (see table 1) (Raunio 2007). In short, the dependent variables consist of certain features as far as the coordination mechanisms and strength of parliaments are concerned. Still, however, the framework applied in this paper is actor based. Hereby, it takes on board some of the forgotten insights from the political science EU research before the heydays of institutionalism. Actor's choice comes logically before the creation of institutions in the 'politics of institutional choice' approach.

COMPARING EU COORDINATION IN GERMANY AND DENMARK

CENTRAL EU COORDINATION IN GERMANY

The German EU coordination mechanism is based on a division of labour between the Foreign Office (MFA) (*Auswärtiges Amt*) and the Ministry of Economics (*Bundesministerium für Wirtschaft und Energie*) (for the principles of coordination see: Maurer 2003: 124; Beichelt 2007: 423-427). The former is responsible for intergovernmental and intra-institutional affairs concerning Coreper II, while the latter is responsible for coordinating sector policies concerning Coreper I (In_GPR_Feb_2010)². In practice, the two ministries function, in addition to their own competences, as secretariats and coordinators of the instructions for the permanent representation in Brussels on Coreper I or II issues (Bulmer et al. 2000: 23-48).

The German coordination mechanism is decentralised, and coordination competence on an EU proposal is given to the ministry most concerned with the EU policy at hand (*Federführendes Ministerium*) (In_GPR_Feb_2010). The ministry responsible coordinates within its own jurisdiction, with other ministries, and with the two chambers of parliament (In_AA_Apr_2013). Intra-ministerial coordination is handled at the lowest level that processes technical matters, while political issues are pushed upwards in the system (In_BMWi_Apr_2014).

Firstly, the ministry defines a house position, which is then accepted by the minister. Next, the inter-ministerial coordination process strives to reach a common position with the other ministries (*Ressort Abstimmung*). Based on this coordination, the lead ministry will prepare an instruction for the permanent representation in Brussels on the agreed position. However, in general, the lead ministry has a good deal of leverage in determining the position, unless the case is of high political salience (Miklin 2009). In accordance with the 'federal ministries' order of business' (*Gemeinsame Geschäftsordnung der Bundesministerien*), the ministry responsible for coordination must consult interest groups affected (In_CDU_Feb_2010).

All ministries in Germany have established EU-departments responsible for both intra- and inter-ministerial coordination (Maurer 2003: 125; Bulmer, et al. 2002: 251). Moreover, all ministries have appointed an EU delegate (*Europabeauftragter*), who is in charge of connecting the internal infor-

mation and acts as a point of contact with the world outside the ministry. To overcome problems not solved through horizontal self-coordination, a hierarchical system of 'institutional choice' is used (Wessels and Rometsch 1996: 74).

At the lowest level are the weekly meetings between EU coordinators from different ministries, who discuss the agendas of both Corepers to delegate tasks and identify critical points (see also Figure 1). The meetings are chaired by the MFA and the Ministry of Economics, which take turns in presiding and conveying the instructions to the permanent representation (In_EBD 2014). At the level above are the EU delegates (*Europabeauftragte*), who meet on an *ad hoc* basis and discuss basic EU issues or procedural questions and may take care of any problems. Their group is made up of heads of units or desks from the different ministries and meets in the MFA.

The next level is the European Affairs Directors General (*Europa-Abteilungsleiter*) meetings. The participants try to identify and solve inter-ministerial conflicts on a monthly basis and follow up on decisions made by the State Secretaries' Committee. The group is comprised of heads of departments for EU affairs in the various ministries, and meetings are co-chaired by the MFA and the Ministry for Economics, with the additional participation of the permanent representation.

The level above the *Europa-Abteilungsleiter* is the State Secretaries' Committee for European Affairs (*Staatssekretärsausschuss für Europafragen*). This is composed of EU state secretaries from the ministries, who meet every month to settle problematic cases (In_AA 2013). The committee is chaired by the state minister for European affairs in the MFA, whose deputy is the state secretary for European affairs of the Ministry of Economics. The state secretaries take a binding decision by common agreement. The German permanent representation also participates but does not have decision-making powers.

The Cabinet (*Kabinett*), which discusses EU cases, is at the top of the hierarchy. The Bundeskabinett meets every Wednesday morning in the Chancellery and discusses EU affairs as a specific agenda item. The state minister for European affairs of the MFA also takes part in these meetings. In many cases, however, political disagreements on EU issues are dealt with informally in the 'coalition round' (*Koalitionsrunde*), traditionally made up of the different party leaders, their party secretaries, and important ministers. However, this format of a coalition round has not been used yet in the third Merkel term. Instead, the chancellor (CDU) and the two other party leaders (CSU and SPD) of the grand coalition have been meeting alone. Compared with the Cabinet, the coalition round has the advantage of being less formal as a problem-solving mechanism. The different levels function in the same way as the structure of the Council of Ministers as a sorting system, with the goal of ensuring decisions are made at the most appropriate level. In addition, the Chancellor's Office has established an EU department that follows the coordination process closely (In_Bundesregierung 2014). As a last resort, the Chancellor's Office plays a problem-solving role. However, this responsibility is somewhat undefined and varies depending on the topic and the personality of the chancellor.

Table 2: The intra-governmental coordination mechanism in Germany

Body	Chair	Frequency	Purpose
Minister (Ministerkabinett)	Chancellery	Weekly: agenda item Europe	Discusses politically salient cases and imposes solutions in case of deadlock

Body	Chair	Frequency	Purpose
State Secretary for European Affairs Committee (Staatssekretärsausschuss für Europafragen)	The MFA	Monthly	Handles cases of strategic importance; takes a binding decision by common agreement
European Affairs Directors General (Europaabteilungsleiter)	Meetings are co-chaired by the MFA and the Ministry of Economics	Monthly	Solves inter-ministerial conflicts and follows up on decisions made by the State Secretaries
COREPER-coordinating	Meeting is chaired by the MFA and the Ministry of Economics, depending on the COEPER in question	Weekly	Handles information flow between Berlin/Bonn and Brussels
European Affairs Officers (Europabeauftragte der Ministerien)	MFA and the Ministry of Economics take turns chairing the meetings	Ad hoc	Discusses the agendas of both COEPERs to delegate tasks and identify critical points
Coordination at the lowest possible level by the lead department (Federführendes Ministerium)	Officials in lead ministry and affected ministries	Continual	Processes proposals and attempts to justify positions

Source: Own content but categories partly inspired by Bulmer et al. 2001: 196.

CENTRAL EU COORDINATION IN DENMARK

In Denmark, the sector ministries are initiators in the EU coordination process. These ministries are responsible for the hearings of other public bodies and concerning private interests (Nedergaard 2005: 354). The coordination responsibility allocated to the sector ministries contributes to the decentralisation of the Danish EU coordination mechanism. This decentralisation is balanced by one omnipresent coordinator: the MFA (*Udenrigsministeriet*). The MFA is represented at all levels throughout the Danish coordination process (In_ØEM_Jun_2010). The MFA is responsible for the coordination of the EU Committee with representatives from sector ministries that meet every Tuesday and coordinates the upcoming meetings in the Council of Ministers in Brussels. The MFA also acts as the secretariat for the government's Foreign Affairs Committee (see below). In addition,

all contacts with the European Affairs Committee (EAC) of the Danish Parliament—the *Folketing*—also come under the responsibility of the MFA even though the presentations of the upcoming meetings in the Council of Ministers are done by the sector ministers (In_UM,_June_2010).

Generally, EU coordination in Denmark consists of an interlinked system of ‘institutional choice’ of committees organised on three different levels: the lowest but nevertheless most important level is comprised of the committees with civil servants in ministries, i.e. ‘the EU Special Committees’ (*EU Specialudvalg*) (see also Figure 2). There are 34 of these under the sector ministries, with the chairmanship and secretariats of each in the hands of the most relevant ministry. There are a Special Committee in all EU relevant ministries and several Special Committees in ministries with many EU legislative initiatives (e.g. the Ministry of Business). The EU Special Committees form the core of the system, as they spend the most time on EU coordination (Nedergaard 2014).

Normally, the reading of the proposals in the EU Special Committees begins at the same time as in the Council’s working parties in Brussels (Udenrigsministeriet 2010). Four to six weeks after a proposal has been presented, a draft position paper (*Grundnotat*) is produced by the secretariat of the EU Special Committee in Copenhagen. Together with the actual proposal, the secretariat sends it out to members of the committee for consideration. On the basis of responses from other ministries and interest groups a so-called framework paper (*Rammenotat*) is prepared by the sector ministries in cooperation with the MFA (Nedergaard 2014).

This framework paper provides guidelines for negotiations in the working parties in Brussels. The content of the negotiations corresponds to the framework paper, with an annotated agenda (*Kommenteret dagsorden*) prepared immediately before the meeting of the Council of Ministers, which discusses all the points on the agenda. However, the annotated agenda differs from the framework paper by a sentence at the end setting out a recommendation that Denmark works for x or endorses y in the actual negotiations before the Council of Ministers meeting in Brussels (Nedergaard 2005: 399).

The next step in the coordination after the case handling of the Special Committee process is the EU Committee (*EU udvalget*) under the auspices of the MFA. This committee meets every Tuesday morning. The points on its agenda mainly concern the upcoming meetings of the Council of Ministers (In_UM_Jun_2010). The EU Committee deals with each of these meetings for the first time two weeks before it is due to take place, and then discusses it a second time a week later. The basic documents for the first meeting of the EU Committee consist of the framework paper that has also been sent to the EAC of the Folketing. The EU Committee is a link between the substantial case handling in the EU Special Committees, the political decisions taken by the government, and the subsequent presentation in by the minister of his or her proposal for the Danish position in the Folketing’s European Affairs Committee on the points on the agenda at the upcoming meeting in the Council of Ministers.

The government’s Foreign Affairs Committee (*Regeringens Udenrigspolitiske Udvalg*) forms the top level of the inter-ministerial EU coordination mechanism (Udenrigsministeriet 2010). In practice, the Foreign Affairs Committee hardly ever convenes, normally handles cases by written procedures. In almost all instances, the recommendations from the Special Committee and the EU Committee are confirmed. These policy positions also represent the Danish negotiating mandate in the Council of Ministers, unless the EAC in the Folketing objects and demands changes, which it often does (however, most often these changes in the Danish position are of minor importance) (In_ØEM_Jun_2010).

Table 3: Denmark's intra-governmental coordination mechanisms

Body	Chair	Frequency	Purpose
The Government's Foreign Policy Committee (<i>Regeringens Udenrigspolitiske Udvalg</i>)	The Minister of Foreign Affairs	Ad hoc — most cases are handled by written procedure.	To approve the government's position, solve conflicts and determine Denmark's EU policy.
EU Committee (<i>EU udvalg</i>)	MFA	Meets every Tuesday	To approve the work of the special committees and secure consistency, solve inter-ministerial conflicts, and formulate the overall EU policy strategy.
Special Committee (<i>Specialudvalg</i>)	Officials in lead ministry and other affected	Continually	To disclose the Danish society's interest in the case.

Source: Own content but categories partly inspired by Bulmer et al. 2001: 196.

COMPARING CENTRAL COORDINATION IN GERMANY AND DENMARK

Proposition 1. The larger the number of veto players, the less centralised the coordination mechanism will be.

At first glance, this proposition fits somewhat with the review of the EU coordination mechanisms in Germany and Denmark; however, it does not hold up to a closer inspection. Reviewing existing studies, Kassim classifies the German coordination mechanism as 'decentralised', but characterizes its Danish counterpart as 'centralised' (2003a: 91–97). His reasoning behind these classifications is that no single actor in the German coordination mechanism controls the coordination process and can intervene in cases involving disagreement among different actors. In the Danish system, however, the MFA is responsible for the overall coordination process and acts as a broker.

This line of reasoning must be up-dated in light of the empirical data. It is correct to say that the German MFA and Ministry of Economics are granted relatively weak coordination competences, while the Danish MFA has a marginally stronger coordination competence. However, both coordination mechanisms are decentralised in the sense that the establishment of positions is handled by the ministry most concerned with a specific issue. More specifically, the Danish coordination mechanism is decentralised when it comes to the substantial coordination of cases, while procedural coordina-

tion is overseen by the MFA. In Germany, the system is decentralised both for substantive and procedural coordination.

The veto player constellation as the underlying determinant for the degree of centralisation of the coordination mechanism does not fit well with the empirical evidence. The prime reason for the lack of a central coordination mechanism in Germany is not the vertical diffusion of power whereby the German states (Länder) assume roles as veto players through the Bundesrat; instead, it is the horizontal actor-based power diffusion that allows for a high degree of ministerial autonomy. Although the German and the Danish political systems are similar in having a high degree of ministerial autonomy de jure—following the Ressortprinzip in Germany and ministerstyre-princippet in Denmark—the de facto application of the principles are different, and partly accounted for by the different types of government (Rometsch 1996: 71; Knudsen 2000; Beichelt 2007: 423), i.e. majority governments versus minority governments (cf. also Dimitrova and Toshkov (2007)). This can be accounted for through the “politics of institutional choice” approach. Despite the complex structure established in Germany to solve the problems of aligning national preferences, each minister has considerable margin for manoeuvre within his or her portfolio to determine the negotiation position (Derlien 2000; Maurer 2003).

COMPARING PARLIAMENTARY COORDINATION IN GERMANY AND DENMARK

PARLIAMENTARY COORDINATION IN GERMANY

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

The EU Committee (*Ausschuss für die Angelegenheiten der Europäischen Union*) is the locus of EU coordination in the Bundestag (see also Figure 1). All EU documents from the government go through the EU Committee, which is responsible for issues related to European integration (In_GPR_Feb_2010). The German scrutiny system in EU affairs is document based: the government must allow time for the Bundestag to sift documents, deliberate proposals, and issue opinions (CO-SAC 2007; Auel 2007; Sprungk 2010).

The material scrutiny of draft EU sector policies takes place in the special committees of the Bundestag. However, the EU Committee has leverage and can ask the special committee responsible to adjust its resolution before submitting it to the plenary. The committees seek to gather as much information as possible by having contact with the EU institutions, parliaments in other member states, and experts, and by organizing hearings. Based on the recommendations of the lead committee and the EU Committee, the plenary adopts a resolution to deliver to the federal government. The government must use this resolution in its negotiations in Brussels. Nonetheless, the government may diverge from the resolution for particular reasons, in which case it must appear before the Bundestag to give compelling justifications (Linn and Sobolewski 2010).

While over time the EU Committee and special committees have improved the Bundestag’s control over the government, there are still problems with slow procedures, resulting in only a minority of the cases being substantially examined (Maurer 2003: 129; In_BT_Feb_2011). According to the new

cooperation laws, however, the government must await clearance from the Bundestag before issuing an opinion in the Council, by applying a parliamentary scrutiny reserve. This can be lifted when the Bundestag has given its opinion. The emphasis on the Bundestag's right to bind the government follows from the ruling of the Constitutional Court in June 2009 and subsequent changes in the cooperation agreement which were turned into law and thereby gained authoritative binding status (Schäfer and Schulz 2013).

As a result of the Maastricht Treaty, the Bundesrat (which is composed of members of Länder governments) achieved a central position in the EU coordination mechanism (Börzel 1999, 2002). According to Article 23 of the revised German Basic Law from December 1993, the Länder have the following competences with regard to the EU. Firstly, the Bundesrat must approve any transfer of sovereignty to the EU. Secondly, the Bundesrat must take part in the process of coordinating issues if competent to do so, be it a domestic issue or one, which used to belong to the competences of the Länder. Thirdly, as far as issues within the Länders' jurisdiction are concerned, the Bundesrat can define the German position and represent it in negotiations in Brussels.

The government is obliged to inform the Bundesrat about new proposals from the European Commission. The EU Secretariat of the Bundesrat briefly examines the proposals and decides which to scrutinise. Each of the 16 Länder can ask for additional scrutiny of a proposal (In_BR_Feb_2010). The Secretary General assigns the dossiers to relevant special committees in the Bundesrat, which deliberate on them and give their opinions to the EU Committee (*Ausschuss für Fragen der Europäischen Union*). The EU Committee may occasionally override an opinion from a special committee for reasons concerning European integration, but this rarely happens. Following the debate of the EU Committee, a report is hammered out which is allocated to the plenary for a final vote. A Chamber for European Affairs (*Europakammer*) exists in the Bundesrat, according to Article 52 (3a) of the Basic Law, which mirrors the composition of the plenary and can take a decision on its behalf in particular cases, if they are urgent or confidential.

Figure 1. The most important features of EU coordination of the German political system



PARLIAMENTARY COORDINATION IN DENMARK

The Folketing's EAC (*Europaudvalget*) reflects the strength of the government parties in the parliament vis-à-vis the strength of the opposition parties. However, no matter which parties are in the government, in practice, the political parties' general support of a government does not necessarily mean that they will support the government in specific EU cases (see also Figure 2).

All EU cases are first submitted to the Folketing's various parliamentary committees before a mandate is given to the minister in the EAC. Some committees have traditionally been more active in handling EU cases than others. The Folketing's Agricultural Committee (*Landbrugsudvalget*) and the

Environmental Committee (*Miljø- og Planlægningsudvalget*) have for years been actively involved in EU affairs, with the aim of submitting recommendations to the EAC (In_FEU, Sep_2010). Other committees have been more reluctant to be dragged into scrutinising EU dossiers due to low electoral salience, and the fact that the final mandates were always given by the EAC.

Historically, the existence of the EAC is a concrete expression of the desire by the Folketing to control the EU decision-making process handled by the executive branch. The committee in its present form was established in 1972 to prepare Denmark for membership of the European Community (Auken et al. 1995; Jensen 2003). The Danish Accession Act of 1972 states that the government shall inform the Folketing of proposals for Council decisions which apply directly in Denmark or the implementation of which requires the participation of the Danish Parliament.

After the first report from the EAC in 1973, the requirements of this information were more clearly specified (Auken et al. 1975). In 'questions of considerable importance' (*vigtige eller væsentlige spørgsmål*), the government shall inform the EAC. In 'decisions of wider scope' (*sager af større rækkevidde*), the government shall obtain a mandate for the negotiations in the Council. These qualifications mean the government has to estimate whether or not a specific EU case should be submitted to the committee for a mandate or just for orientation. However, normally, the government plays it safe by classifying most proposals for new EU directives and regulations as dealing with 'questions of considerable importance'. The Danish scrutiny system for EU affairs is the classic example of a mandate-based procedure, whereby the government needs support from a majority in the parliament to take binding decision in the EU (COSAC 2007).

The other face of the powerful EAC, however, is that of a committee with the ability to exercise judgment on mandates rather late in the EU decision-making process, meaning the committee only has limited influence on the actual content of the EU negotiations (Sousa 2008; Jensen and Martinsen 2014). To accommodate a wish for earlier involvement in the decision-making process, the sector ministries always send basic memos to the EAC on EU proposals of major importance within four weeks of the Danish version of the proposals being published (Udenrigsministeriet 2010). Although all ministers try to accommodate the opinions of the EAC beforehand and anticipate what will happen, the ministers are sometimes unsuccessful in gaining a mandate. In such cases, the minister will formulate a new position, which can satisfy a majority in the committee. However, this might limit his negotiating possibilities in the Council of Ministers.

Figure 2. The most important features of EU coordination of the Danish political system



COMPARING PARLIAMENTARY COORDINATION IN GERMANY AND DENMARK

Proposition 2: *Parliaments will have stronger control of the executive under a minority government because they are veto players, whereas under a majority government they are not.*

A comparison of the de jure competences of the ‘politics of choice’ of the two parliaments leads to the surprising conclusion that the German EU Committee is stronger because its instructions to the government are based on the law, whereas the Danish EAC’s instructions are based on an established practice (Nedergaard 2005: 414-415). Furthermore, the German Bundestag and Bundesrat have access to all relevant information and make active use of expertise in specialised committees when scrutinising EU proposals, compared to the more restricted information provided by the government and more random use of other parliamentary committees in the Danish Folketing (Sousa 2008).

However, looking at how scrutiny is exercised de facto, one sees that the German Bundestag and Bundesrat have a selective approach whereby the government is tightly controlled in only a few highly salient cases. Moreover, the government can override the positions of the Bundestag and Bundesrat for special reasons³, provided it is not necessary that a law is concluded by the two chambers. The Folketing, by contrast, controls the government tightly and continuously, as the minister must stand before the EAC to obtain a mandate that the minister is then obliged to follow and for which the minister must subsequently account in writing to the EAC. The underlying explanation for this variation can be attributed to the partisan setup of the two parliaments, which is in line with the findings by Dimitrova and Toshkov (2007) in their analysis of the EU coordination mechanisms of Eastern and Central Europe. It shows the fruitfulness of the ‘politics of institutional choice’ approach. In the Danish Folketing, there is a tradition for minority coalition government, which makes the opposition parties veto players (Damgaard and Jensen 2005; Sousa 2008). To grasp the veto power of the opposition parties in the Folketing, it is necessary to pay closer attention to its partisan setup. To stay in office, the Danish governments rest on the support of the right-wing Danish People’s Party as well as the Liberal Alliance Party (Liberal or Liberal Conservative governments) or the left-wing Unitary List (centre-left governments). Yet when it comes to EU affairs, both the Danish People’s Party and the Unitary List adopt sceptical attitudes that often force the government to rely on support from EU-friendly opposition parties at the political centre aspiring to gain office.

Prima facie, the opposition parties are in a strong position to define the coordination mechanism’s setup as well as the government’s negotiating position on concrete issues. However, the power of the opposition is limited by counteracting forces, which are often neglected in the literature when praising the strengths of the distinguished Danish mandating system (Raunio 2007; Holzhaecker and Albæk 2007: 147-148). The first is ‘the shadow of the future’ (Axelrod 1984: 13), meaning the parties are involved in an on-going game: if the opposition parties aspiring to get to government adopt restrictive measures for EU coordination at Time 1 together with the EU sceptical opposition, they will be faced with the same measures at Time 2, should they gain office. The same logic applies if the EU positive opposition ties the hands of the government tightly through mandates, thereby limiting its freedom to manoeuvre in Brussels. In that case it might experience payback in the future when it takes office. The other force curbing the power of the (both left- and right-wing) opposition is its internal division, on which the government can seize (Nedergaard 2005). Furthermore, it is highly unlikely that the government supporting party will back the opposition aspiring to gain office in a vote of ‘no confidence’ based on EU issues. Factoring in the partisan setup of the opposition demonstrates that it is powerful—but not almighty.

Turning to the German Bundestag, and again analysing it through the lenses of the 'politics of institutional choice' approach, the picture looks different. Here, the government is comprised of a majority of parties that are in favour of the EU. This implies that harmonisation of preferences takes place within the government coordination machinery rather than in the Bundestag. Nevertheless, the Bundestag has considerable power in the scrutiny process. Moreover, the setup of parliamentary control also gives backbenchers an opportunity to influence the position of the government on EU issues and gives the opposition the chance to question the government in public. A certain animation of the Bundestag in EU affairs is observable from 2010 onwards. Partially this was the case, when the then-junior coalition partner, FDP, attempted to use the European debt crisis as an extraordinary factor to increase support; hence, this seemed to be an exception. On the other hand, structural factors also played a role: the rulings of the constitutional court on the Lisbon Treaty and the financial stability mechanisms (EFSF and ESM) strengthened the Bundestag's position in the coordination mechanisms, notably in cases of European divisions with budgetary implications.

CONCLUSION

The number of veto players did not seem to impact the degree of centralisation in the coordination mechanisms as highlighted by the veto player approach. Instead, the degree of centralisation seems to be contingent on the degree of ministerial autonomy in a political system. The predominant type of government influenced the strength of the parliament in the coordination mechanism, as the tradition for minority coalition government in Denmark accounted for the Folketing's stronger position as compared with the German Bundestag in EU affairs. Even though Eastern and Central European EU coordination mechanisms have a different legacy than those in the Western European member states, these findings about the importance of domestic actors resonates with those of Dimitrova and Toshkov (2007).

These findings create implications for a number of scholarly debates. Firstly, the study speaks to public administration literature, showing how EU coordination is dominated by the administrative level. The vast majority of issues are processed and adapted in the bureaucratic engine room before they reach the political level (Larsson and Trondal 2005; Goetz and Meyer-Sahling 2008). Secondly, the study of EU coordination has implications for the theory of liberal intergovernmentalism (LI) (Moravcsik 1993). In contrast to classical intergovernmental theory, LI opens up the black box of the state by adding a liberal component, according to which national governments aggregate the national interest based on the power relationship between different interest groups (Moravcsik 1993). In light of this study, this tenet is open to criticism: as demonstrated, there is significant variation in how preference formations take place in the two member states.

Generally, this analysis opens up a number of avenues for future studies to examine. Theoretically, it points to the importance of including ministerial autonomy in the analytical equation. This could be done either by relaxing the definition of veto players to encompass ministries whose consent is necessary when defining the national position or by incorporating the concept of ministerial discretion crafted by Laver and Shepsle (1996: 33). This is in line with Dimitrova and Toshkov (2007)'s framework, which seems to have generalizability for a broader group of member states. Methodologically, the explanations found in this paper could be tested more widely on EU-28 by developing scales for the organisational traits of the coordination mechanisms, and then applying regression analysis to test the explanatory value of veto players and ministerial autonomy. Empirically, future studies could conduct a number of in-depth case studies to obtain detailed information about the informal coordination dynamics, which have not been captured by this study's focus on formal structures and processes.

¹The coordination system's degree of centralisation/decentralisation concerns the power concentration within the government (see Kassim 2003a) and not between the state and sub-states, as defined in much of the literature on federalism.

² Coreper is the French abbreviation for Le Comité des représentants permanents, which translated to English means the Committee of the Permanent Representatives. The Committee which has no formal decision making powers is comprised of on high ranking official from each member state called the Permanent representative who prepares cases for formal decisions by the ministers in the Council. The Committee actually breaks into two committees called Coreper II dealing with issues pertaining to economic and the Council of financial affairs, foreign affairs, general affairs and justice and home affairs as well as Coreper I handling all other Councils configurations including agriculture and fisheries (only financial issues or technical measures on veterinary, phytosanitary or food legislation), competitiveness, education, youth, culture and sport, employment, social policy, health and consumer affairs, environment, transport, telecommunications and energy.

³ One exception being issues belonging to the Länders' exclusive competences, where the Länder can define the German negotiation position and represents it in the Council.

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