Treaties of the European Community from Rome to Maastricht make it easier for the Council to accept Commission proposals than to modify them. Article 189a (1) of the Maastricht Treaty specifies: "Where in pursuance of the Treaty, the Council acts on a proposal from the Commission, unanimity shall be required for an act constituting an amendment to that proposal..." Article 189c (e) of the same Treaty mandates: "The Council, acting by a qualified majority shall adopt the proposal as re-examined by the Commission..." Similar articles exist in the Single European Act, as well as in the Treaty of Rome. Following Tsebelis (1994, 1995a) we call this power of the Commission (and, as we will show in a while, of the European Parliament, too) to make proposals that are easier to be accepted than modified "conditional agenda setting."

The term "agenda setting" refers to who introduces the specific wording of legislation, and has to be differentiated from the initiation of legislation. 1We focus on the specific wording and not on the mere general idea, because of the obvious regulatory consequences of the wording: changing the date of enforcement of a rule, or the limit amount of a substance has significant redistributive consequences among countries as well as among companies and individuals. The qualifier "conditional" refers to the fact that the Council can ultimately decide to modify the Commission's proposal, but such a modification requires a unanimous decision.

The purpose of this article is twofold. The first is to make explicit an institutionalist theory of European integration based on the implications of Article 189. According to this theory, while legislative decisions concerning the European Union are made by the Council of Ministers, the proposals for these decisions originate either from the Commission (consultation procedure) or from both the Commission and the Parliament (cooperation procedure). Therefore, within the institutions of the Union, European actors (Commission or Parliament) are vested with conditional agenda-setting powers. We argue that "conditional agenda setting" is to a great extent responsible for the pace of European integration.

This realization brings us to the second goal of this article which is to investigate, by studying the history of the institutions of the EU, whether or not these institutions were the result of conscious planning. We will show that the EU institutions prescribe conditional agenda-setting since the Treaty of Rome (1957). However, for reasons that will become clear in the text, conditional agenda-setting did not become the rule of decision-making until almost a third of a century later, after the implementation of the Single European Act (1987).

The argument of the article is the following: Since the adoption of the Single European Act (SEA) in 1986 conditional agenda-setting is, to a great extent, responsible for European integration. This conception, interpreting integration as the result of specific institutions, differentiates our approach from the other two major theories of integration: intergovernmentalism (which attributes integration to the will of the governments that sign the treaties), and neofunctionalism (which attributes integration to spillover effects). We explain

how specific institutions introduced in the Treaty of Rome, but applied systematically only after the SEA, are responsible for the existing level of integration of the Union, particularly the single market.

Given the importance of conditional agenda-setting for European integration, we are interested in investigating its history. How did it come about when originally adopted in 1957? Why was it put aside until 1987? Who promoted it and who opposed? For what reasons? These are partial questions taken from a larger theme: was the adoption of conditional agenda-setting institutions a conscious decision of European elites or a historical accident? To this question our answer will favor the side of conscious planning, although we will see that several, in fact, the overwhelming majority of, actors involved in the process had a very incomplete, or a plainly wrong, understanding of the institutions they were putting in place or demolishing.

The article is organized into two parts. In the first, we explain the mechanism of conditional agenda-setting, demonstrate its results in terms of integration and differentiate our institutionalist approach from neofunctionalist and intergovernmentalist theories of European integration. In the second, we present the history of conditional agenda setting, and through a detailed investigation of the writings of the principal actors we come to the conclusion that its consequences were known to (some of) the founding fathers of Europe. We conclude by arguing that, because of the opaqueness of European institutions, their effects are not well understood by the public or even many European elites. While this opaqueness seemed deliberate in the beginning, it may be responsible for reactions against European integration observed today.

Institutional and Other Explanations of European Integration

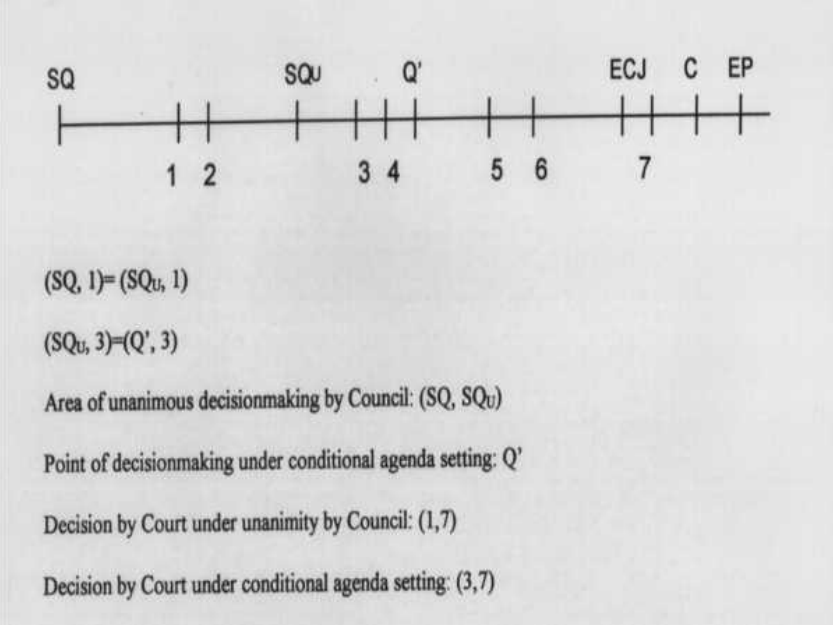
The Treaty of Rome specifies that a proposal by the Commission to the Council of Ministers requires a qualified majority to be accepted but a unanimity of the Council for modification. The same mechanism was reintroduced by the Single European Act and in some areas preserved by the Maastricht Treaty. This mechanism exists in the consultation procedure which was introduced by the Treaty of Rome (1957) and survives in the SEA (1987) and Maastricht (1991); it also exists in the cooperation procedure introduced by the SEA and preserved by Maastricht. It does not exist in the so-called codecision procedure introduced by the Maastricht treaty. In this article we focus on the consultation and the cooperation procedures that have been predominantly used for European legislation up to 1992.

The apparent difference between the consultation and cooperation procedures is that the second requires a second reading by all actors involved. The real difference revolves around the role of the Parliament. In the consultation procedure the Parliament plays an insignificant role, while in the second reading of the cooperation procedure it makes amendments which the Commission may (or may not) include in its own proposal. Tsebelis (1994) argues that this institutional "detail" turns the Parliament into the conditional agenda setter. 2In another article Tsebelis (1995a) provides examples of when the Parliament has exercised this new power. For our purposes, since both the Commission and the Parliament are pro-European integration actors, it makes no difference which one of them makes proposals to the Council. Both procedures attribute conditional agenda-setting powers to a pro-integration institution.

How important is conditional agenda-setting power? We present a simple one dimensional model of integration which enables us to understand the role of the four major institutional actors (the Council, the Commission, the Parliament, and the European Court of Justice) in European decisionmaking. 3

Figure 1 presents a simplified version of the problem. It assumes that the Commission and the Parliament have identical positions at the high end of the axis representing integration, whereas most of countries composing the Council occupy positions at the low end. Following Tsebelis (1994), we select seven voters because the qualified majority ratio of five out of seven voters is approximately the same as the actual qualified majority in the Council of Ministers (62 out of 87). 4Assume also that the status quo is located at a position of less integration than the ideal positions of the actors (SQ in the Figure) and that the position of the European Court of Justice (ECJ) is pro-integrationist (somewhere close to the position of the Commission and the Parliament). Let us also assume that all actors have "Euclidean preferences;" that is, they prefer options closer to their ideal points and are indifferent between two options equally distant. These simple assumptions enable us to study decision-making under different procedures, as well as the role of the ECJ in each of them. We will focus on the following differences: 1) Endogenous (by the Council) versus exogenous (by Commission or EP) agenda setting; 2) Unanimous versus qualified majority decisions in the Council. Instead of analyzing all the theoretical possible combinations we will focus on the institutional settings adopted by the EU.

Figure 1. Comparison of Court and Council Positions



Unanimity in the Council with Endogenous Agenda Setting

If the options discussed in Council are introduced by the members themselves, then the members will introduce their own preferred options (country 1 will introduce option 1, country 2 option 2 etc.). The final outcome under unanimity will be somewhere in the (SQ, SQU) area because country 1 will veto anything outside this interval. The positions of the Commission and the EP are irrelevant in this configuration. Even if the Commission can make a proposal of its own, it will be discussed under the same rules as the proposals made by the members of the Council.

This decision-making system assigns important powers to the Council. In a paradoxical way, it also assigns important powers to the European Court of Justice. If the ECJ decides to legislate from the bench, it can select any point within the Pareto set (in this case the (1,7)

interval) and this point cannot be upset by the Council through legislation. Suppose that the ECJ selects its own ideal point in Figure 1. The Council cannot modify this choice by unanimity, because the countries to the right of ECJ will object to a movement to the left, and the countries to the left will object to a movement to the right. So, the inability of the Council to act essentially endows the ECJ with significant powers. 5

Conditional Agenda Setting

(Exogenous agenda setting with qualified majority for agreement and unanimity for modification).

If the Commission or the EP can make a proposal which will be discussed in the Council under the provisions of Articles 189a (1) and 189c (e) (essentially qualified majority for agreement and unanimity for modification; see above), the agenda setter can aim at making a qualified majority of the Council better off than anything they would decide by unanimity. Given that the Council can decide anything in the (SQ, SQU) interval, if the EP or the Commission makes a proposal at the point rendering the pivotal member of the Council (3 in Figure 1) indifferent between it and SQU (point Q' in the Figure), this point will be accepted by a qualified majority of the Council. 6

Note that this procedure also produces a Council with a significant amount of inertia, but this inertia exists only when the Council wants to modify the proposals of the EP and the Commission. Because agenda setting is exogenous (coming from the EP or the Commission), the outcome is not located at the ideal point of the pivotal member, but at the point making this member indifferent between the proposal and the default solution.

Assuming that the agenda setters are more pro-integrationist than the members of the Council, the consultation and cooperation procedures produce significantly more pro-integrationist results than unanimous decisions in the Council for two reasons. First, the pivotal member of the council moves from the least integrationist member under unanimity (member 1 in the Figure) to some more pro-integrationist member (member 3 in the Figure). Second, the pivotal member cannot propose its own ideal point, but has to accept or reject the proposal made by the agenda setter, and consequently it will be made indifferent between this proposal and the default solution. As we shall see in the historical part of the article, while the first reason was correctly identified by all actors involved, most of the protagonists and opponents of European integration failed to understand the second reason fully.

Finally, the role of the ECJ is restricted by this procedure (conditional agenda setting) compared to the previous one (unanimity and endogenous agenda). While the ECJ could make any decision in the (1,7) interval and see it stand (i.e. not overruled by legislative means), now it is restricted to the interval (3,7). The reason is that anything to the right of 7 is overruled by a unanimous decision of the Council, and anything to the left of 3 is overruled by a coalition of the EP or Commission and a qualified majority of the Council.

This summary account of European legislative procedures (prior to the adoption of co-decision) provides an institutional explanation of the rhythm of integration, as well as identifying the principal actors that carry it through. According to our argument, after 1987 the institutional rule (conditional agenda setting by the Commission and the EP) caused accelerated integration. In addition, the earlier inability of the political system to decide by unanimity brought the ECJ to the forefront of developments connected with integration. A similar but more detailed account of the role of the ECJ can be found in Weiler (1991). Our contribution is that we relate the decrease

of the role of the Court to the inability of the political system to legislate. How does our account compare to other theories of integration?

There are, *grosso modo*, two alternatives to our theory of integration: neo-functionalism and intergovernmentalism. Both these theories attempt to explain the successes and failures of European integration over the past forty years through an analysis of historical events and their consequences. The two approaches differ significantly in their foci and, consequently, their expectations. Neither of them, however, addresses or incorporates the enduring role of the European institutions in the integration process. As a result, both theories are hampered in their attempts to explain the stop-and-go pace of European integration.

Neo-functionalism was an early adaptation of functionalist theory. Functionalist theory predicted that integration would occur through a gradual process of allegiance-swapping at the level of the individual (Mitrany, 1966). As citizens began to have their needs and demands met by supranational organizations instead of the standard national bodies, their natural reaction would be to shift their personal allegiance towards the supranational institutions. Integration would then occur at the level of the individual, through the creation of a supranational "community" in which social and economic goods (welfare) would be distributed by the new supranational institutions.

The neo-functionalist approach differs from its predecessor in that the level on which integration occurs is more abstract and the action is well removed from the general public. Neo-functionalism holds that integration is achieved through a process of political "spill-over" in which gains toward integration in one policy arena lead to calls for similar gains in adjacent arenas (Haas, 1958). Thus, through a gradual process, initially minor advances towards European integration expand to encompass broad, often significant, policy areas, and what began as economic integration "spills over" into political integration (Lodge, 1983: 14-16).

The process of spill-over can occur in two ways: either through the activities of technicians and bureaucrats who exchange information amongst themselves, or through the growth of functional dependencies. The first method occurs when advances and benefits achieved within the integrated policy arena are noted and desired by functionaries and participants in other closely associated arenas (Haas, 1958: 243 and 283-317). These actors then actively and effectively lobby for the expansion of integration such that it includes their own policy arena. This expansion can occur either through formal government intervention or through bureaucratic channels. In fact, "spillover does not presume continued enthusiasm on the part of elites; indeed its significance is most evident in the continuation of regional integration even as elan declines." (Keohane and Hoffman, 1991: 19)

The second path towards further integration predicted by the neo-functionalist approach occurs when limited expansion of integration in one policy arena forces similar measures in adjacent arenas. This occurs when the two policy areas are functionally linked such that they cannot function effectively if one is integrated and the other is not. The "imbalances created by the functional interdependence or inherent linkages of tasks can press political actors to redefine their common tasks" (Nye, 1971: 200). This form of neo-functionalism helps to explain the belief held by early observers of the European Coal and Steel Community and the European Economic Community that "the so-called economic integration of Europe is essentially a political phenomenon" (Hallstein, 1972: 22) and that "although the process of integration may be termed economic, it is essentially political" (Hallstein, 1972: 29).

During the 1970s a new understanding of the integration process was developed. To a large extent this approach was inspired by the debilitating effects on integration caused by the

staunch opposition of General de Gaulle during his tenure as leader of France, though most particularly after 1961. The ability of a single leader to effectively block both the expansion (British entry) and the depth (stage III of the Treaty of Rome) of European integration led many to discard earlier neo-functionalist theories in favor of the intergovernmental approach (Moravcsik, 1991: 41; Taylor, 1983). This theory focused on the activities of the political elite of the member-states rather than technocrats and their manipulation of the effects of initial policy integration.

Intergovernmentalism holds that integration occurs through the conscious decisions by national political leaders to create new agreements and treaties which further integration to some, often limited, extent. Thus, progress toward further integration can only be achieved when there is consensus or "preference convergence" among national leaders. Leaps forward in integration such as the SEA are explained in terms of preference convergence. Keohane and Hoffman (1991: 23-24) write that "the Single European Act, like the Treaty of Rome, [...] resulted less from a coherent burst of idealism than from a convergence of national interests around a new pattern of economic policy-making." The task for intergovernmentalists is then to explain why and when preference convergence occurs. This is complicated by the general assumption that all national leaders believe at a fundamental level that it is necessary to protect national sovereignty (Moravcsik, 1991: 26-27).

According to intergovernmentalism, the decision by national political leaders to expand integration is motivated by external factors, such as an economic crises or changing world markets. These external events serve as catalysts for integration, since the challenges they pose can be better met by a united and integrated Europe than individual member-states acting alone. In particular, the growth of trading blocks and the inability of individual countries to compete in the world market are believed to have led many national leaders to support further economic integration (Keohane and Hoffman, 1991: 19 and 22). Individual Member States can also be moved toward further integration by domestic pressures which cannot be adequately addressed within the national domain.

Intergovernmentalist theory has been either uninterested or unable to explain or incorporate the day-to-day realities of European integration (Keohane and Hoffman, 1991: 15; Garrett and Tsebelis (1996)). One variant focuses on the content of Treaties. For example, Moravsick (1993: 473) argues: "(f)rom the signing of the Treaty of Rome to the making of Maastricht, the EC (EU) has developed through a series of celebrated intergovernmental bargains, each of which sets the agenda for an intervening period of consolidation. The most fundamental task facing a theoretical account of European integration is to explain these bargains." By focusing predominantly on "defining moments" such as the elaboration of new treaties or accords, intergovernmentalism ignores the broader picture. The text of agreements alone is not enough to explain progress towards integration. Many agreements, such as the Solemn Declaration (1983), have led to little or no change; while others, such as the SEA -- which was initially believed to have little impact on the powers of the EP-- has had unexpected consequences (Keohane and Hoffman, 1991: 3). A great deal depends on what occurs within the Union after the treaties or accords have been signed. Intergovernmentalism cannot explain the differences in implementation because of its singular focus on the political elite of the member-states, to the exclusion of the daily implementation and interpretation of treaties and accords created during the "defining moments" of European Integration.

Other forms of intergovernmentalism (Scharpf, 1988) study decision-making in the Council as if the outcomes depended on the Council alone. In terms of subject matter this variant

is closely related to our approach, but by focusing exclusively on the Council this approach completely ignores the fact that according to the treaties this institution does not set its own agenda, but rather discusses proposals that the Commission presents, and these proposals are privileged by the rules to become outcomes (conditional agenda setting). The reader can refer back to Figure 1 and see the differences in predictions between endogenous decisionmaking in the Council and conditional agenda setting, so we will not discuss this variant any further.

Neo-functionalism and intergovernmentalism focus on very different aspects of the European Union; consequently, they arrive at very different explanations of both the process and relative success or failure of European integration. While neo-functionalism holds that integration occurs through spillovers and slow progress, intergovernmentalism focuses on large defining moments where leaders of the member States are the actors. In the former, action occurs at the level of the bureaucracy or technocrats and is largely unnoticed by both the political elite and the general public. In the latter, integration is due to the actions of the political elite, most often through highly publicized treaties and accords. While in many respects these two theories of integration are exact opposites, there is one key similarity: neither is able to explain why European integration has progressed at different speeds over time or why different institutional actors have been the prime movers in different periods. Our approach attributes these differences mainly to the institution of conditional agenda setting.

Once the properties of conditional agenda setting are understood, the next logical step is to study how and why it came into existence, as well as whether its adoption (and its elimination) was the result of conscious planning. Consequently, while the first part focused on the effect of an institution (conditional agenda setting) on policy outcomes, the second part focuses on the design of the institution itself.

Since conditional agenda setting was adopted in intergovernmental conferences the second part of this article studies events related to such conferences (as well as study groups commissioned by them or associated with them). Because we study intergovernmental conferences the reader may think that our approach is a variant of intergovernmentalism. Alternatively, because we argue that several of the actors involved had no clear understanding of the policy outcomes that could be generated by the selected institutions the reader may think that our approach resembles neofunctionalism. Both impressions would be misplaced, however, because the basis of our analysis is the institutions of the EU, not some government conferences or some amorphous processes. It is the study of these institutions that determines what in the preferences and behavior of governments as well as transnational elites is important (in our case preferences related to conditional agenda setting) and what is not (for example preferences related to foreign policy).

The History of an Institutional Innovation

The history of majority voting within the Council, and conditional agenda-setting power for the Commission and EP, has been a history of contentious battles. Did the participants fully understand what they were battling for? Undoubtedly, the potential veto power inherent in unanimous decision-making was clear to everyone involved, but the more subtle and, as we have shown, equally important battle was over the power of conditional agenda-setting. If we are to study the extent to which this second aspect of the decision-making rule was understood, we should trace the history of the creation and the implementation of majority voting in the Council. We divide this history into three stages; the creation of conditional agenda-setting power (1955-

1957), its demise (1958-1966), and its restoration (1969-1987). Table 1 presents the institutional details (or lack thereof) of a series of plans covering the period from the Treaty of Rome to the Single European Act. The reader should refer to it as we present the history of the period for the exact provisions we analyze in the text. In particular, in the final row of the table we trace the existence and location of agenda-setting power under each plan.

Stage 1: Creation (1955-1957)

The general ideals and goals which inspired the Rome Treaty establishing the European Economic Community (EEC) can be traced back to the late 1940s (Churchill, 1950: 198-202). Notions of federalism and European unity were extremely popular and widespread after the end of the second World War. Although several institutions were created prior to the EC with the hope of unifying the European states (the OEEC, Council of Europe, etc.), only its direct predecessor, the European Coal and Steel Community (ECSC, established in 1952), had a supranational structure. However, since the High Authority (which in subsequent treaties became the Commission), was empowered under the ECSC treaty to make decisions on most major issues (ECSC Treaty, Article 8-16) as well as initiate all proposals, the institutional structure of conditional agenda-setting was absent.

The institutional innovation of conditional agenda-setting came in the Treaty of Rome, where, for the first time, the power of initiative and the power of decision were given to separate institutions. The founders of the Rome Treaty, frustrated by the impotence of many of the early European organizations and disillusioned by the failure of the ECSC's supranational structure to deal effectively with the coal crisis, attempted to move beyond previous experience, balancing international cooperation with elements of supranationalism. This was achieved through the creation of truly supranational institutions such as the Court and Commission, which exercised very real powers over the member-states (albeit in limited arenas), while leaving ultimate decision-making power in the hands of the national representatives (e.g., the Council). The ability of the Commission to manipulate the eventual legislative outcomes of the Community decision-making process through strategic action was built into this balance. By allowing the Commission to initiate legislation while requiring unanimity in the Council for any amendment of a Commission proposal and only a qualified majority to adopt the proposal (after the third stage of

implementation), the Rome Treaty established the Commission as conditional agenda-setter (Treaty of Rome, Article 149). It is difficult to judge, however, the extent to which the authors of the Rome Treaty were aware of the potential effects that the institutions they created would have on the pace of European integration.

The compromise between the pure intergovernmental cooperation of the OEEC and the strongly supranational character of the ECSC was orchestrated by a group of government representatives of the Six, led by Paul-Henri Spaak. In 1955 the Benelux countries issued a memorandum calling for further development of cooperation between the Six and suggesting that both the economic and atomic futures of Europe be pursued in cooperation with each other (Benelux Memorandum, 1955). The Leaders of the Six agreed to convene a committee to study the possibility of future economic and atomic communities (Resolution of Foreign Ministers, Conference at Messina, 1955). The resolution called for a committee to be formed, consisting of "governmental representatives" of the Six, as well as experts and representatives from the ECSC, OEEC, and the UK. This committee was charged with devising a treaty which would effectively

Table 1. European Union Agreements

	EEC Treaty (1957)	Fouchet I (1961)	Fouchet II (1962)	Luxembourg Compromise (1966)	Tindemans' Report (1975)
Plan adopted?	YES	NO	NO	YES	no precise plan/ no specific changes adopted
Quorum requirement in Council	not mentioned	not mentioned	not mentioned	not mentioned	not mentioned
Decision rule in Council (maj. or unanimity)	Art. 148: "save as otherwise provided in this Treaty, the Council shall act by a majority of its members."	Art. 6: "The adoption of decisions necessary to achieve the goals of the Union shall be by unanimous consent"	Art. 6: "The adoption of decisions necessary to achieve the goals of the Union shall be by unanimous consent"	Point 1: "agreement to disagree" The Five stated that a "reasonable delay in order to arrive at a solution acceptable to all in accordance with national and Community interests," was acceptable. Point 2: The French delegation stated that "the discussion must continue until a decision could be reached with unanimous consent by all member states."	Section V.C.2.a "recourse to majority voting in the Council should become normal practice in the Community field."
Effect of abstentions on outcome of vote	Art. 148.3: "abstentions by members present in person or represented shall not prevent the adoption of acts which require unanimity."	Art. 6: "the absence or abstention of one or two members shall not be an obstacle to the conclusion of a decision." (the decisions are obligatory for those who participate in their adoption)	Art. 6: "the absence or abstention of one or two members shall not be an obstacle to the conclusion of a decision." (the decisions are obligatory for those who participate in their adoption)	not specifically mentioned	not specifically mentioned
Amendment procedure & requirements	Art. 149: Where, in pursuance to this Treaty, the Council acts on a proposal from the Commission, unanimity shall be required for an act constituting an amendment to that proposal."	not specifically mentioned	not specifically mentioned	not specifically mentioned	not specifically mentioned
Status or role of Commission proposals	Art 148.2: If topic requires qualified majority voting, 41/58 is required for a Commission proposal.	Art. 10: "The European Political Commission assists the Council. It prepares and executes its resolutions *(deliberations)*."	No role specified for the Commission as far as legislative initiative is concerned (see Art. 9)	remains unchanged (see EEC Treaty)	Section V.D.1 (pg. 31) "The Commission can considerably influence the determination of Common policies by the proposals which it submits to the Council."
Status or role of non Commission proposals	Art 148.2: Council proposals require 41/58 votes *and* at least 8 member-states in favor	Art. 7: the Parliamentary Assembly "can present recommendations to the Council."	All proposals were to be non-Commission proposals (no structure for proposals from outside the Council)	remains unchanged (see EEC Treaty)	Section V.A.1 "The Council should immediately allow the Parliament to take initiatives by undertaking to consider the resolutions which the Parliament addresses to it...this should be given legal value through a Treaty amendment."
Power of initiative lies with?	Commission , although Art 152: "the Council may request the Commission to undertake any studies the Council considers desirable for the attainment of common objectives."	Unclear, it appears that the power of initiative lies with the Council, with the Parliament and the Commission having the possibility of recommending proposals.	The power of initiative was to lie completely with the Council. No mention was made of the Commission's right to propose, and the Parliament was given the right only to address oral questions to the Council.	remains unchanged (see EEC Treaty)	Power of initiative lies primarily with the Commission with the recommendation that true powers of initiative be given to the European Parliament through the adoption of a Treaty amendment.
Effective agenda-setting power lies with?	Until the third stage of integration, originally set to begin in 1966, the Council. Afterwards, with the advent of qualified majority voting, the Commission could potentially set the agenda	Due to the unanimity clause (see above) agenda-setting power rests with the Council.	Due to the unanimity clause (see above) agenda-setting power rests with the Council.	The Luxembourg Compromise restricted decision-making to unanimous consent, as a result, agenda-setting power remained with the Council despite the continuation of the requirements on amendments (see above).	Were majority voting instituted, with the original requirement of unanimity to amend and qualified majority to adopt a commission proposal (with EP amendments) the Commission would have gained substantial agenda-setting powers.

	Genscher-Colombo Plan (1981)	Solemn Declaration (1983)	EP's Draft Treaty (1984)	Single European Act (1986)
Plan adopted?	NO--See Solemn Declaration	YES	NO	YES
Quorum requirement in Council	not mentioned	not mentioned	not mentioned	not mentioned
Decision rule in Council (maj. or unanimity)	Part II, 1 "Matters concerning the European Communities shall continue to be governed by the provisions and procedures of the Treaties of Paris and Rome, *and agreements supplementary thereto*." (italics added) Unanimity requirement maintained. Part II, 8.2: "A member state which considers it necessary to prevent a decision by invoking its "vital interests" in exceptional circumstances will be required to state in writing its specific reasons for doing so.".	Part 2 (preamble) "Matters within the scope of the European Communities are governed by the provisions and procedures laid down in, or pursuant to the Treaties of Paris and Rome, *and in agreements supplementing them*." (italics added) Section 2.2.2: "The application of the decision-making procedures laid down in the Treaties of Paris and Rome is of vital importance in order to improve the European Communities' capacity to act."	Art.22.1: "The Council shall vote by a simple majority, i.e. a majority of the weighted votes cast, abstentions not counted." Art. 22.2a "where expressly specified by this Treaty: either by an absolute majority..(b) by a qualified majority (2/3 weighted votes) Art.22.2(c) or by unanimity of representations. In art. 22.3, a 10 year transition period was created during which member-states could invoke "vital interests" but they had to submit written justification which would then be published.	Section I "Institutional Provisions"--Throughout the EEC Treaty the words "the Council shall..." were replaced by; "The Council shall, acting by qualified majority on a proposal from the Commission, in cooperation with the European Parliament shall..." Art. 149c "where the EP and the Council are acting under the cooperation procedure, and the EP has rejected the Council's common position [by an absolute majority], unanimity shall be required for the Council to act on a second reading."
Effect of abstentions on outcome of vote	Part II, 8.2: "greater use should be made of the possibility of abstaining from voting so as not to obstruct decisions."	Part 2.2.2: Within the Council every possible means of facilitating the decision-making process will be used, including, in cases where unanimity is required, the possibility of abstaining from voting."	In art. 22, sections 1, 2, and 3 abstentions were not counted against the required minimum vote.	Not specifically altered by the Single European Act.
Amendment procedure & requirements	not specifically mentioned	not specifically mentioned	Art. 38.4 the Council is permitted to amend a draft law by simple majority (organic laws by absolute majority). However, there are circumstances in which no amendments are allowed (Art 38.3).	Art. 149: "Where, in pursuance of this Treaty, the Council acts on a proposal from the Commission, unanimity shall be required for an act constituting an amendment to that proposal."
Status or role of Commission proposals	Part II, 9: "The Heads of State of Government stress the particular importance attaching to the Commission as guardian of the Treaties of Paris and Rome, and as a driving force in the process of European Integration."	Part 2.4: "The Heads of State of Government underline the particular importance of the Commission as guardian of the Treaties of Paris and Rome, and as a driving force in the process of European integration."	Art. 37.1: "The Commission shall have the right to propose draft laws. It may withdraw a draft law at any time until the EP or Council have adopted it. Art. 37.3: The Commission may put forward amendments...[which] must be put to the vote as a priority."	The phrase "acting on a proposal from the Commission" is repeated throughout the text of the SEA. No specific mention of additional powers of initiation are made.
Status or role of non Commission proposals	Part II, 3.3: The European Parliament was to be given the power to make "recommendations" to the Council and to demand a response but not the explicit power of initiative	No specific mention made of non-commission proposals from either the European Parliament or the Council.	Art. 37.2: "On a reasoned request from the EP or the Council, the Commission shall submit a draft law conforming to such a request. If it fails to do so, Parliament or the Council may introduce a draft law conforming to their original request."	See above.
Power of initiative lies with?	The Plan did not specifically propose to change the status quo as far as the power of initistive was concerned	Power of initiative appears to remain with the Commission. No specific mention is made.	The power of initiative lies for the most part with the Commission, but provisions are made to allow the other two bodies to force the commission's hand somewhat.	Power of initiation remains in the hands of the Commission.
Effective agenda-setting power lies with?	The plan maintained the status quo ante of the Luxembourg Compromise--agenda-setting power remained with the Council due to the unanimity requirement.	The declaration called for the implementation of the EEC treaties, but it did not specifically call for an end to the Luxembourg Compromise. As a result agenda-setting power remained with the Council.	After the 10 year "initiation" period, the council would be forced to make decisions by majority (simple or qualified) vote. however, the Council can amend proposals by simple majority votes thus, once again placing full agenda-setting power in the hands of the Council.	Due to the unanimity requirement for amendment by the Council and qualified majority for adoption, the EP gains the potential to set the agenda through the strategic use of amendments (assuming they are adopted by the commission)

establish a European Economic Community (final section, points 1-7, resolution of Messina conference, 1955).

The committee was established in June 1955 and was to report back to the six Ministers of State by the first of October of that same year. The actual minutes of the proceedings of the Spaak committee (named after its Belgian chair) and the various *groupes de rédaction* are not currently available to the public; however the working drafts of the Treaties as well as histories of the individual articles are. 7These *projects de rédaction* trace the history of Article 149 which grants the Commission conditional agenda-setting power. Through the draft version of December 27, 1956 there was no mention of the requirement for unanimity in order to amend a Commission proposal; in fact no mention of the amendment procedure was made at all (MAE 838 f/56 in). By January 14, 1957, however, the draft did include a first version of what was to become Article 149 (MAE 101 f/57, Article 10.3). The change was discussed in the Conference of the Ministers of Foreign Affairs on February 12th after being introduced by Spaak himself. There was little discussion and the change was adopted without reservation (MAE 498 f/57 gd).

It is possible to make inferences about the extent to which the various national representatives desired or were aware of the Commission's potential to act as conditional agenda-setter given the institutions created by the Rome Treaty. The member-states of the Six had established their preferences on supranationalism when the ECSC was created. The Belgian government had been in favor of a supranational institution since the Schuman Declaration in 1950 (Van Zeeland, 1953: 26). Germany had also been in favor of a strongly supranational approach to European common action. Other countries, such as the Netherlands, were wary of overt supranationalism and preferred a cooperative, intergovernmental approach (Mayne, 1962: 91). It is also possible to glean some information about the positions and understandings of the actual members of the Spaak Committee from their speeches and writings. Beginning with the chair of the Committee. Spaak was an ardent supporter of majority rule since he believed that "all the international organizations where the rule of unanimity is in operation--which is at the same time that of the veto--have been without exception, incapable of fulfilling their tasks" (Spaak, 1956: 56). Years later, while addressing the British Young Conservative group in 1967 Spaak underlined the untenable nature of the unanimity requirement in the Council established by the Luxembourg Compromise, stating that "unanimity between six is already difficult to obtain; it will be worse with seven or more members" (Spaak, 1967: 14). Thus, it is clear that Spaak preferred a more supranational approach to decision-making in order to avoid the threat of a national veto. When he introduced the requirement for unanimity in order to amend a Commission proposal, Spaak noted the responsibility that this conferred upon the Commission in regard to modifications of those proposals, noting that the Commission could refuse to incorporate any changes that it felt were "contrary to the general interest" of the Community (MAE 498 f/57 gd: 11).

In addition, Chancellor Adenauer's hand-selected representative to the Spaak Committee, Walter Hallstein, had a very clear understanding of the institution of conditional agenda-setting and the power that it gave the Commission. This is evident in many of his speeches and writings. Shortly after the Rome Treaty was ratified he noted that "proposals made by the Commission can only be amended by a unanimous decision of the Council, here it is interesting to note that the principle of unanimity works out to the advantage of the supranational element" (Hallstein, 1958: 36). In addition, Robert Marjolin "who played a key part in the preparation of the two Treaties of Rome that created Euratom and the European Economic Community," also appears to have been aware of the potential for conditional agenda-setting created by the unanimity requirement for

Council amendment of Commission proposals (Diebold, 1981: 5 (preface to Marjolin, 1980)). Lecturing on the differences between the High Authority of the ECSC and the Commission of the EC Marjolin remarked that: "The Commission of 1958 does not enjoy the pre-eminence of the High Authority of 1952. Nevertheless, the Commission of the Common Market was more influential than the High Authority. The Commission's position was strengthened by the fact that the Council of Ministers could amend the Commission's proposals only if all governments were in agreement. Otherwise it could only accept or reject them." (Marjolin, 1980: 44)

Several actors not directly involved with the Community until after the creation of the 1957 Treaty also were cognizant of the potential for conditional agenda-setting inherent in Article 149. As early as 1962 Richard Mayne, who served as liaison between Great Britain and the Community, noted that "the Council can normally only decide on proposals from the Commission, and can only amend proposals if all its members unanimously agree. In this way, although its powers are less than those of the H.A. [High Authority] the Commission's influence is very much greater" (Mayne, 1962: 127). Thus, the power of the Commission to set the agenda was well understood, either implicitly or explicitly, by numerous active participants in the development of the Communities during this period.

It is not possible, however, to assert that the rest of the designers of the Rome Treaty were fully aware of the conditional agenda-setting power they created. The Treaty was a compromise between those who wanted less integration and more intergovernmental cooperation, on the one hand, and the staunch integrationists who desired a federal Europe, on the other. Those in favor of a higher level of integration (such as Spaak and Hallstein) were able to create institutions which called for majority rule among sovereign states, insuring that integration would progress within this institutional setting by allowing the Commission to set the agenda through its power of initiative. Despite the creation of these structures, for thirty years after the signing of the Rome Treaty the Commission was unable to participate in the Community decision-making to the full extent prescribed by the Treaty because majority voting was not actually implemented in the Council until the implementation of the Single European Act (SEA) in 1987.

Stage 2: Demise (1958-1966)

The battle over the implementation of majority voting in the Council did not begin until shortly after General de Gaulle came to power in France in 1958. The General was a known opponent of supranationalism, but he very much supported intergovernmentalism and the close cooperation of independent sovereign nation states (de Gaulle, 1964, and 1971: 189-191). According to the Treaties of Rome, majority voting in the Council on a limited set of issues was to begin on January 1, 1966 as the third stage of integration began (EEC Treaty, Article 8, points 3-6). General de Gaulle made several attempts to have his ideas accepted by his European allies. The first two, under the name of Fouchet Plan[8] I and II, failed, while the third, known as the Luxembourg compromise, was successful.

In 1960 de Gaulle launched his first attempt to circumvent majority decision-making in the Council by suggesting regular meetings of the political leaders of the Community's member-states to discuss political questions that confronted the Community as a whole (de Gaulle, 1964). The Council, under pressure from the General, agreed to establish an intergovernmental committee to explore the possibilities of political cooperation and eventual political union. The result of this committee was the first Fouchet Plan (see Table 1, second column, for details). The

plan introduced unanimous decision-making in the Council, enabling it to set its own agenda (thus completely abolishing conditional agenda setting by the Commission; Article 6).

Nevertheless de Gaulle felt that the French delegation had made too many concessions and took it upon himself to rewrite the plan, disregarding many of the compromises that had been so meticulously constructed during the previous months. The new plan, labeled Fouchet II, was a severe disappointment to the other members of the Community, who felt that they had been betrayed by France and in particular by de Gaulle (see Table 1, column 3, for details). The result was predictable: the other members of the Council refused to accept the Fouchet II plan and instead tabled a new plan independently of France in 1962. By this time, however, momentum had been lost and nothing came of the new plan.

In 1966 de Gaulle succeeded in achieving a de facto end to majority voting that was to last until 1987. The path that de Gaulle followed, arriving ultimately at the Luxembourg Compromise of 1966, demonstrates the extremes to which he was willing to go in order to avoid majority voting and what he perceived as a concomitant loss of national sovereignty. Jean Monnet, the so-called grandfather of the European Community wrote that "behind all of this [the French boycott] could be glimpsed the desire to prevent majority voting becoming normal practice in the Community from 1966 onward, as the Treaty laid down. I suspect that this was the goal on which de Gaulle was irrevocably bent" (Monnet, 1978: 482-483). Paul-Henri Spaak also noted de Gaulle's distrust of majority decision-making and believed that the General would use British membership as an "opportunity to obtain modification of the whole system regulating the representation of the majority," stating that he "could not easily conceive that he [de Gaulle] would not seize the opportunity offered to him to have suppressed in the Treaty that part which he has always detested." (Spaak, 1967: 14)

The battle which led to the Luxembourg compromise began over a proposed plan by the Commission to fund the newly agreed Common Agricultural Policy (CAP), a program that was desired in particular by France (de Gaulle, 1971). A new funding program had to be established by July 1, 1965, which would last through 1970. The Commission, led by its president, Walter Hallstein, pushed through a proposal calling for the direct and independent funding of the CAP through agricultural levies and customs duties. The amount that would be raised was expected to exceed the needed amount significantly, and the Commission's proposal suggested that this "extra" income could be used to finance projects other than those already accepted by the governments. In addition, the proposal called for increasing the budgetary powers of the European Parliament and indirectly the Commission (Marjolin, 1981: 58-59). The new plan was announced publicly before being submitted to the member governments. A general uproar followed. General de Gaulle had long been suspicious of Commission President Hallstein and viewed his unveiled federalist tendencies with mistrust, stating that Hallstein was "wedded to the thesis of the super-state, and bent all his skillful efforts towards giving the Community the character and appearance of one," (de Gaulle, 1971: 148). De Gaulle seized the opportunity and argued that the episode illustrated a Commission attempting to exceed its powers to the detriment of the national sovereignty of the member-states (de Gaulle, Press Conference, 1965).

Beginning in July 1965 after an inconclusive Council meeting over the impending budget crises, France began its so-called "empty chair" policy. In effect, France boycotted the Community for seven months, causing a profound crisis which in the end was resolved only through the Luxembourg Compromise (see table 1, column 4, for details). The compromise itself had nothing to do with the financial proposals which had purportedly inspired the crisis. Instead, the compromise dealt solely with the issue of majority voting in the Council, which was due to

come into effect that same year. The compromise was an "agreement not to agree" (Marjolin, 1980: 56-59). The text of the compromise reaffirmed the desire of the other five members of the Community to move forward with majority voting, although they were willing to delay decisions "when issues very important to one or more member countries were at stake." This was not enough for the French, who stated that "the French delegation considers that, when very important issues are at stake, decisions must be continued until unanimous agreement is reached" (Extraordinary Session of the Council, January 18, 1966, EC Bulletin, 3/66, part b, paragraphs 1-3). This divergence of opinion was noted by all six member-states, and an agreement was reached that this difference of opinion should not hamper the "the Community's work being resumed in accordance with the normal procedure" (EC Bull. 3/66, part b, paragraph 4).

The effects of the compromise were deep and enduring. Although initially the other five member-states opposed the requirement of unanimity, they came not only to accept it, but also to support and protect it against a series of attempts to regain majority voting. The Luxembourg Compromise heralded "a change of ethos, at first rejected by the Five, but later, especially after the first enlargement, eagerly seized upon by all" (Dinan, 1994: 59). But were the participants aware of the repercussions that their actions would have on the process of integration as a whole? While all of the participants clearly understood that the unanimity requirement meant the continuation of the national veto, was there a clear understanding of the impact on the commission or its ability to speed integration through manipulation of the legislative agenda?

The[9]re are two reasons to believe that de Gaulle, at least, had a clear understanding of the impact of his actions. The first is that both the Fouchet Plan(s) and the Luxembourg Compromise, which were initiated by de Gaulle, dealt specifically and emphatically with the question of majority rule decision-making in the Council. The Fouchet Plan(s) was an attempt to bypass, thereby rendering insignificant the Council of the EEC, where majority rule loomed in the none too distant future and legislative initiative resided primarily in the hands of the supranational Commission. When this plan failed, de Gaulle used the first available opportunity to force the issue and "make a unilateral declaration reserving the right to continue to say 'No' " (Monnet, 1978: 484). The fact that he chose to make his stand on a Commission proposal, which clearly demonstrated the potential power of that body to further European integration, seems an unlikely coincidence. De Gaulle railed against the potential power given to the Commission by the unanimity requirement for amendments after the initiation of the third stage, stating that "from that time on, proposals made by the Brussels Commission would have to be adopted, or not, as is by the Council of Ministers, without the States being able to change anything, unless miraculously they were unanimous in drafting an amendment" (de Gaulle, press conference, 1965: 171). By asserting France's right to continue to say "no," de Gaulle not only preserved national sovereignty, he seriously damaged the public image of the Commission. A Commission which he viewed as overtly supranational and eager to force a Federal Europe on the Six. By debilitating the Commission and banishing the threat of majority voting de Gaulle was able stunt the development of European integration for twenty years.

Stage 3. Restoration (1969-1987)

The effects of the Luxembourg Compromise were long-lasting despite the fact that de Gaulle himself remained in power only for an additional two years. Community development from 1969 through 1987 is a chronicle of repeated attempts to implement the provisions established in the Treaty of Rome and institute regularized use of majority decision-making in the Council of

Ministers. The initiation of this third stage of development can be traced back to the 1969 summit meeting at the Hague called by de Gaulle's successor, George Pompidou. But it was the 1974 Paris summit that called on then-Belgian Prime minister Leo Tindemans to write a report on political union. This report came to be known as the Tindemans Report after its primary author (see Table 1, column 5 for details).

The Tindemans Report made several suggestions for potential improvements to the Council, including "enhanced coherence, recourse to majority voting, and a strengthening of continuity" (Tindemans Report, EC Bull, 1/76, section V, part C, point 2, paragraphs a. and b.). All of these were aimed, however, at speeding up the decision-making process and blocking a national veto more than anything else. The Council received the Tindemans Report in 1975, but by then the rapidly worsening economic conditions combined with the British referendum on remaining in the Community had become the Council's focus. As a result, the report was set aside and few of its recommendations adopted. The question of majority voting, however, was not directly addressed.

The next attempt to institute majority voting in the Council came shortly after the first directly elected Parliament was installed. The plan was sponsored by two members of the Council, Hans-Dietrich Genscher, then German Foreign Minister, together with Italian Foreign Minister Emilio Colombo (see Table 1, column 6 for details). This plan advocated "more effective decision-making structures" and greater Community involvement in external affairs (EC Bull. 11/1981: 88). While the central focus of the plan was European cooperation on foreign policy and security issues and not the specific issue of majority voting in the Council, it did explicitly tie efficiency to majority voting (EC Bull. 11/1981: 90).

The Genscher-Colombo Plan fared only slightly better than the Tindemans Report. Due to its moderate nature the Plan received only lukewarm receptions by both the European Parliament and the Commission. In addition, it was rejected by Greece, Denmark, and Great Britain who objected to the restoration of majority voting in the Council. However, the Genscher-Colombo Plan became the basis of the Council's Solemn Declaration made in Stuttgart later in 1983 (see Table 1, column 7 for details). Although the Solemn Declaration was only a pale reflection of the original plan, it "did recommend greater respect of the Treaties as far as voting was concerned, re-affirming that the application of the decision-making procedures laid down in the Treaties of Paris and Rome [were] of vital importance in order to improve the European Communities' ability to act" (EC Bull. 6/1983, section 2.2.1). This timid call for implementation of the Treaties was largely ignored, however, and decision through unanimity continued to be the norm.

The next call for majority-voting in the Council came from the European Parliament in the form of the European Draft Treaty (see Table 1, column 8 for details). The Draft Treaty proposed a merger of the political and the economic realms under one treaty. Structurally, the Draft Treaty called for the institutions to remain very much the way they were; however, additional voting procedures were added in order to allow for a variety of different decision-making possibilities depending on the particular topic and arena of the debate. In particular, those areas explicitly covered by the Rome Treaty or those more effectively dealt with at the Community level (subsidiary) were to be decided through "common-action," or majority rule. Other areas, and in particular those previously dealt with in the European Council, were to be resolved through "cooperation," or unanimous consent (EC Bull. 2/1984: 11, point 10.1). One particularly important concession to national sovereignty was the creation of a ten-year transition period during which individual nations could still claim "vital national interests" (as in the

Luxembourg Compromise), thereby vetoing any policy (EC Bull. 2/1984: 13, point 23.3). The veto was made more difficult, however, by a provision which forced the country employing the veto to justify itself to the Commission. The reason for the delay in the decision-making process was also to be made public.

Despite their insistence on majority decision-making in the Council (and thus an end to the national veto), the authors and supporters of the Draft Treaty were almost certainly unaware of the potential implications of conditional agenda-setting. In fact, had the Draft Treaty been ratified, the Commission's power to act as a conditional agenda-setter would have been nullified (as noted in Table 1, column 8, final row), and the Parliament's would never have been realized. The proposed Draft Treaty would have allowed the Council to amend as well as accept a proposal by an absolute or qualified majority (the European Draft Treaty, EC Bull. 2/1984, Article 38.4). Thus, despite the institution of majority voting, the potential for the EP and the Commission to set the agenda through the strategic location of proposals and amendments would not have been realized. Allowing the Council to change a proposal as easily as it can accept one removes agenda setting powers from European actors (both the Commission *and* the EP). This demonstrates the extent to which the issue of effective decision-making and ending the national veto had become the primary motivation behind calls for majority decision-making. It appears that the potential impact of majority voting on the power of the Commission and the EP to set the legislative agenda was not understood even by those who would most avidly have supported it. Indeed, in the case of the EP's Draft Treaty, it was those who stood to gain the most from conditional agenda-setting who were designing institutions that would have completely nullified its impact.

The Draft Treaty was passed by the EP on February 14, 1984; however, it was never ratified or accepted by the Member States. Instead, it served as a kind of rough draft for the Single European Act (SEA), which was passed in 1985 and came into effect in 1987 (Table 1, last column). Part of the impetus that kept the Draft Treaty from becoming merely another failed attempt at reform came from the unexpected support of French President Francois Mitterrand. Altiero Spinelli, a leader in the federalist movement and the *rapporteur* for the Draft Treaty, had made a statement directly calling upon Mitterrand and France to support institutional reform (Burgess, 1989: 184-185). Mitterrand responded (to the surprise of many) by giving a speech before the European Parliament less than four months later. In his speech, Mitterrand called for institutional reform in the EC and more restricted use of the veto in the Council of Ministers (EC Bull. 5/1984: 137-138). French support guaranteed that the Draft Treaty would not simply be ignored by the member-states. At the June 1984 European Council meeting at Fontainebleau, the European Council agreed to convene two ad hoc committees on European Union. The more important of the two committees was given the task of making "suggestions for the improvement of the operation of European cooperation in both the Community field and that of political, or any other co-operation" (Keatinge and Murphy, 1987: 217). This committee came to be known as the Dooge Committee after its chair, majority leader of the Irish Senate, James Dooge. Because of what many perceived to be the importance of the committee, it was also known as Spaak II, after the Spaak committee that had prepared the original draft of the Treaties of Rome in 1956.

The final version of the Dooge Committee's report was delivered to the European Council at its 1985 meeting in Milan (previous drafts had been submitted at the Dublin summit in December 1984 and the Brussels Council meeting in March 1985). The proposal called explicitly for the "adoption of the new general principle that decisions must be taken by a qualified or

simple majority" (Report of the Ad Hoc Committee to the European Council, March 1985, part III, section A, point iv, subparagraph (a)). The committee was divided, however, with the Danish, British and Greek representatives clearly opposed to the majority position, which supported an end to unanimity (footnotes 25-27 and subparagraph (b) of above text).

The proposal also included a section on implementation suggesting that an inter-governmental conference be convened in order to create a draft treaty on European Union which would take account of the *acquis communautaire*, the Stuttgart Solemn Declaration, the Dooge Report, and the European Parliament's Draft Treaty (Report of the Ad Hoc Committee to the European Council, March 1985, part IV). The same minority of countries opposed to majority voting also opposed the proposal to convene an Intergovernmental Conference (IGC) (see footnote 36 to the report of the Ad Hoc Committee). Despite this continued opposition by the British, Danish and Greeks, an IGC was called by the European Council at the Milan meeting in June 1985 (EC Bull. 7/8, 1985: 7-11). The decision to call for an IGC was also the first time that a vote had been decided according to majority rule within the European Council. This was possible because Article 236 of the EEC Treaty regulating the submission of proposed Treaty amendments does not require unanimity for the proposal to be studied, although it does require "ratification by all Member States in accordance with their respective constitutional requirements," before Treaty revisions can be implemented (Article 236, EEC Treaty). Thus, "imposition by force of an IGC was potentially of dubious value since Treaty amendments decided within the IGC had to be made by unanimous consent" (Burgess, 1989: 202). This led many to believe that despite the growing impetus of the reform process it might stall during the IGC due to continued British, Greek and Danish opposition.

The IGC covered numerous policy areas. One of the most controversial was the question of majority voting. Both the Genscher-Colombo Plan and the European Parliament's Draft Treaty called upon the Council to abide by the provisions established in the Rome Treaties, which clearly called for qualified majority voting on a large number of topics (Article 149, Rome Treaty). In other words, they called for a renunciation of the Luxembourg Compromise. In addition to these previous attempts at institutional reform, however, were added the demands of the national parliaments of Italy and Germany, both of which had passed resolutions calling for nothing less than "EP/Council co-decision and generalized majority voting" (Camera dei Deputati, 29.11.85; Bundestag - 10 Wahlperiode - 181 Sitzung 5.12.85, Drucksache 10/4088). To these demands were added those of the European Peoples Party (EPP), a majority of the Socialists and the Liberals, who "made an appeal to extend majority voting and the powers of the European Parliament" (*Agence Europe*, no. 4202, 12/13.11.85: 4). The Commission also added its support for "increased use of majority voting in the Council of Ministers and new procedures of co-decision for the European Parliament" (Burgess, 1989: 204).

While demand for increased majority voting was widespread, there was no guarantee that it would be achieved because of the requirement of unanimity in the IGC and the eventual need for national ratification. Britain, Denmark, and Greece continued to oppose radical treaty revisions and the imposition of majority rule (again, it should be remembered that their opposition was to the removal of the national veto, not to an increase in Commission or EP power, or the subsequent increase in the pace of European integration). On the other side, the Italian representatives threatened to veto any proposal that did not satisfy the European Parliament (Corbett, 1987: 241) and the French and Germans had already demonstrated their desire to move Europe towards further integration. In the end a compromise was reached through numerous trade-offs within the Act as a whole. The SEA made a commitment to qualified

majority voting for most of the Single Market Program, as well as allowing the future expansion of areas of majority decision-making to be decided upon by unanimous consent (Dinan, 1994: 146; see Corbett, 1987: 246 and 261 for an accessible list of the areas dealing with the common internal market, which could be decided by a qualified majority vote).

What appears to have passed unnoticed throughout this process was the potential for conditional agenda-setting by the Commission (and EP) ensconced in the Rome Treaty, and the impact that this would have on the pace of European integration. The language of the Single European Act as regards voting within the Council is identical to the Rome Treaty, indicating that the key battle was over the scope of majority voting, i.e., which areas would be decided by qualified majority and which by unanimity. The specific institutional provisions of the Rome Treaty were readopted without any question or dispute. Since they had never been applied policy makers had no experience with, or understanding of their full significance.

Conclusions

In this article we provided an alternative to dominant theories account of European integration. Our account is based on the institutional structure of the European Union and, in particular, on the conditional agenda-setting mechanism adopted in Rome and reintroduced and applied thirty years later by the Single European Act. We demonstrated both theoretically and with examples that this mechanism literally doubles the impulse towards integration generated by a shift form unanimity to qualified majority voting.

We claimed that this explanation is more accurate and more realistic than alternative theories of European integration. Indeed, while alternative theories are either optimistic (neo-functionalism) or pessimistic (intergovernmentalism) about the pace of European integration, our account explains not only the pace but also the principal actors who pushed integration in different periods. In particular, we explain why integration was slow and took the form of mutual recognition imposed by the courts in the 1970s and early 1980s, whereas proceeded rapidly under the form of harmonization of standards when (after the Single European Act) the initiative passed to the Commission and the Parliament. Our explanation is that the institutions (the Luxembourg Compromise on the one hand and the Treaty of Rome and SEA on the other) prevailing in the Union determined quite different strategies and outcomes concerning integration.

We saw that at least three of the major figures in the battle revolving around the institutions of the EU (Hallstein, Spaak, and de Gaulle) were aware of the consequences of their strategies. The first two introduced the mechanism of conditional agenda-setting and formed the institutions that would produce the remarkable speed at which integration progressed in the late 1980s and early 1990s. The third foresaw the impact of the rules adopted in Rome and moved tenaciously to eradicate not only the qualified majority aspect of European decision-making but also conditional agenda-setting.

We also discovered that the institutional outcomes we described in the first part of this article had not been recognized by a series of other actors involved in the process of European integration. We saw that the institutions of the Union were rarely discussed, that most plans offered general and vague wishes about integration, and that at most the question of majority versus unanimity was debated while the issue of agenda-setting was neglected. In this respect, the most telling example was the plan of the European Parliament itself, which insisted on receiving the power to veto legislation without realizing that proposing legislation under the

existing rules would give it more influence over policies. It is ironic that with Maastricht the Parliament finally receives the veto power it had been requesting for so long (co-decision procedure) only at the expense of losing the conditional agenda-setting power it had never appreciated (cooperation procedure) (Garrett and Tsebelis (1996), Tsebelis (1997)).

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Endnotes

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1. While the official right to initiate legislation before Maastricht lies exclusively with the Commission, the Council and the Parliament could also request legislation (Jacobs, Corbett, and Shackleton, 1992), which makes it impossible to locate the actual initiator. After Maastricht all three major institutional actors can initiate legislation.
2. He bases his interpretation on Article 149.2d of the Single European Act, which with respect to the second reading of the cooperation procedure specifies: "The Commission shall, within a period of one month, re-examine the proposal on the basis of which the Council adopted its common position, by taking into account the amendments proposed by the European Parliament...."
3. For more detailed models where the actors are collective (instead of individuals) and the policy space is multidimensional (as opposed to one-dimensional) see Tsebelis (1994, 1995a).
4. 5/7 = .714, and 62/87 = .712.
5. For an analysis of European institutions and the ECJ along these lines see Cooter and Drexl (1994). For a more general analysis of the role of multiple "veto players" in political systems and the independence of the judiciary see Tsebelis (1995b).
6. For a different rationale that produces outcomes that make the pivotal member indifferent between the proposal and the status quo as well as the claim that the EP has no agenda setting powers see Steunenberg (1994), Crombez (1996) and Moser (1996). For a discussion of the conceptual and empirical problems of these approaches see Tsebelis (1996).
7. These documents were only recently made public despite the fact that the standard thirty year waiting period expired in the late 1980's because many were held in the national offices of the Foreign Minister and unanimous agreement was required in the Council of Ministers in order for them to be released. They are currently available at the Archives of the Council in Brussels and will eventually be copied and available in the other archives of the Union.
8. Christian Fouchet was the French ambassador to Denmark.
9. Keep in mind that the Empty Chair crisis occurred just before the beginning of the third stage, and therefore before there had been any practical experience with majority voting in the Council.