

of Coreper, with the occasional requirement that it addresses outstanding issues and differences of opinion.

Council Voting Procedures for Community Matters

Prior to the SEA and the TEU the passage of all major legislation required a unanimous vote, either as legally required by the EC Treaty or as necessitated by the fact that Member States could exercise their veto.

When Member States recognized that voting procedures would have to be modified if an integrated market was to be achieved, the introduction of the QMV has been accelerated. This evolution was one of the most important steps forward in the Community's development. It meant an acceptance by the Member States that they could be outvoted on, and have to accept, legislative proposals to which they objected.

In terms of balance of power among the institutions, the shift from unanimity to QMV had important implications. The increase in QMV entailed a reduction in the instances where the Council could block the Commission's legislative proposals. It therefore strengthened the Commission's capacity to pass Community legislation notwithstanding the existence of dissent within the Council.

In precise cases – such as closer cooperation in certain areas – the Treaty of Amsterdam allows a Member State to prevent a decision to be taken by a qualified majority for reasons of important national policy. This “Amsterdam Compromise” echoes the old “Luxembourg Compromise” (see below) but now requires that the reasons which prompt the Member State to prevent the decision be stated openly. The matter may be referred to the European Council, acting for the very first time as a formal appellate body for the Council.

i. Unanimity and Power of Veto ***“The Luxembourg Compromise”***

In 1966, the deadlock concerning the French position related to the CAP prompted the EC Member States to decide that when matters put very important interests of one or more countries at stake, the Council should reach solutions amenable to all members of the Council, and which, at the same time, respect the interests of both the complaining country (ies) and the Community.

This compromise, called the “Luxembourg Compromise”, provided neither solutions for situations where unanimity cannot be achieved, nor definitions, or

guidelines, for determining – within the Council – what constitutes “very important interests at stake”. Thus, any Member State held a potential power of veto, simply by the assertion that a proposal put such interests at risk. The threat of this veto was so effective, in spite of its lack of legal basis, that its existence could not be entirely discounted.

The SEA, and subsequent TEU amendments, widened the use of a qualified majority rather than unanimous voting. In doing so, it lessened the significance of the veto power.

However, the exceptions to the majority rule remain. For example, taxation, free movement of labour, and the rights and interests of workers still require unanimity and have importance in terms of the single market and economic and social cohesion. Unanimity is also necessary when the Council does not wish to adhere to proposals from the Commission, or does not wish to accept the amendments of the European Parliament. In practical terms, there are a number of contributing factors (one being the increasing participation of Parliament in the legislative process) which perpetuate unanimous agreement in Council as a necessary precondition to many legislative proposals becoming Community law and which thereby cause their failure to do so.

ii. Qualified Majority Voting ***(QMV)***

The SEA and the TEU brought about the wider usage by Council of the QMV for Community matters. In particular, Member States accepted the QMV in connection with the hundreds of legislative proposals needed to give effect to the single market, such as those addressing the harmonisation of legislation, and the administrative measures related to the establishment and functioning of the single market; economic and social cohesion; environmental matters; and research and technology development.

The qualified majority requires 62 votes out of 87; in a few specific cases the 62 votes must be cast by at least 10 Member States. The voting is weighted, giving the larger States greater influence. Presently the votes are distributed as follows:

- France, Germany, Italy and the United Kingdom each have 10 votes;
- Spain has 8 votes;
- Belgium, Greece, the Netherlands and Portugal each have 5 votes;
- Austria and Sweden each have 4 votes;