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Council Decision Rules and European Union Constitutional Design

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Abstract: In the recent past, the choice of adequate voting weights and decision rules for the Council of the European Union (EU) has been a highly contested issue in EU intergovernmental negotiations. In general terms, the selection of a threshold for qualified majority votes (QMV) in the Council constitutes a trade-off in terms of decreased sovereignty for individual governments versus an increased collective 'capacity to act'. This paper compares the effects of the proposal tabled by the Convention on the Future of Europe with the Nice Treaty provisions and the Lisbon Treaty, in terms of both the efficiency of decision-making and the distribution of relative voting power within the EU of twenty-seven member states. In addition, the paper shows how with the current size of EU membership, the EU risks being unable to reach intergovernmental agreement. Accordingly, a challenging issue for the future of the EU is to move towards reasonable provisions that allow its own constitution – if ever adopted – to get amended.

JEL classification: C15, C71, D70, D71

Keywords: Council of the European Union, decision rules, constitutional design, capacity to act, power indices

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