

VOTEWATCH

SPECIAL REPORT



Would Brexit Matter?

The UK's Voting Record in the Council and European Parliament

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About this report and VoteWatch Europe

There are, of course, many dimensions to the question of whether the UK should leave the EU. One question that has arisen during the debate in the UK in the countdown to the referendum on 23 June is whether the UK has become isolated in EU policy-making: in the Council and European Parliament.

Similarly, from the perspective of the rest of the EU, what might be the policy implications for the EU as a whole be if the UK left the EU? With our dataset on voting in the European Parliament and Council of the EU, VoteWatch is uniquely placed to provide some answers to these questions.

This report is divided into three parts. First, we show how often the UK government has been in the minority and majority in votes in the Council of the European Union. We also show the member states that the UK has voted with most. Second, we turn to the European Parliament and look at whether British MEPs are marginalised in decision-making in that institution. Third, we repeat a simulation we undertook in January 2016 based on our voting data to analyse the top five likely effects of Brexit for EU policy outcomes.

Our analysis covers the years since 2004 and builds on the extensive dataset behind VoteWatch Europe's online reporting. Details about individual votes, broader trends within policy areas, or other further elaborations of the results in this report can be found on our website: www.votewatch.eu.

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Main findings

- The UK is the most outvoted Member State in the EU Council. However, it has supported more than 97% of the EU laws adopted in the last 12 years;
- British opposition to EU policies occurred especially on budget, foreign policy and foreign aid issues. Nevertheless, the UK was not the most oppositional government on several important issue areas: internal market, legal affairs, transport, environment, and fisheries;
- Sweden, the Netherlands and Denmark are the UK's closest allies in the EU Council and would lose an important partner if Brexit occurred;
- The UK has diminished its influence in the European Parliament in recent years, as a result of self-distancing of some of its own party delegations from the EU's mainstream political families, as well as due to the results of the latest EU elections in the UK;
- Nevertheless, UK MEPs have captured many powerful agenda-setting positions, such as rapporteurships of key EU legislation and EP committee chairmanships;
- The main losers of Brexit among EU stakeholders are those that promote less regulatory burden for EU businesses and stronger protection of copyright;
- Brexit would also push the remaining EU governments to pay more to the EU.



The UK in the Council

Decision-making in the Council has changed quite markedly during the past ten years. In particular, the 2004 enlargement to Central and Eastern Europe, the introduction of the Lisbon Treaty and changes to the internal rules of procedures in 2009 have led to significant changes. These include, amongst other issues, 1) an increase in the percentage of legislation co-decided with the European Parliament under the Ordinary Legislative Procedure (OLP); 2) an increase in the formal recording of governments' agreements in the Council; and 3) steps towards making the Council's legislative records available to the public.

In practice, however, many Council decisions are agreed by "consensus", meaning that member state representatives work together to seek an agreement that all countries will be able to support. As a result, most votes are recorded with either no or only few countries abstaining or opposing legislation. Yet, as both No votes and Abstentions work against the majority to support a proposal, we consider both those expressions as 'opposition' in our figures below.

Figure 1 shows the Council's legislative activities since 2004.

Figure 1: Legislation agreed in the EU Council, 2004-2015

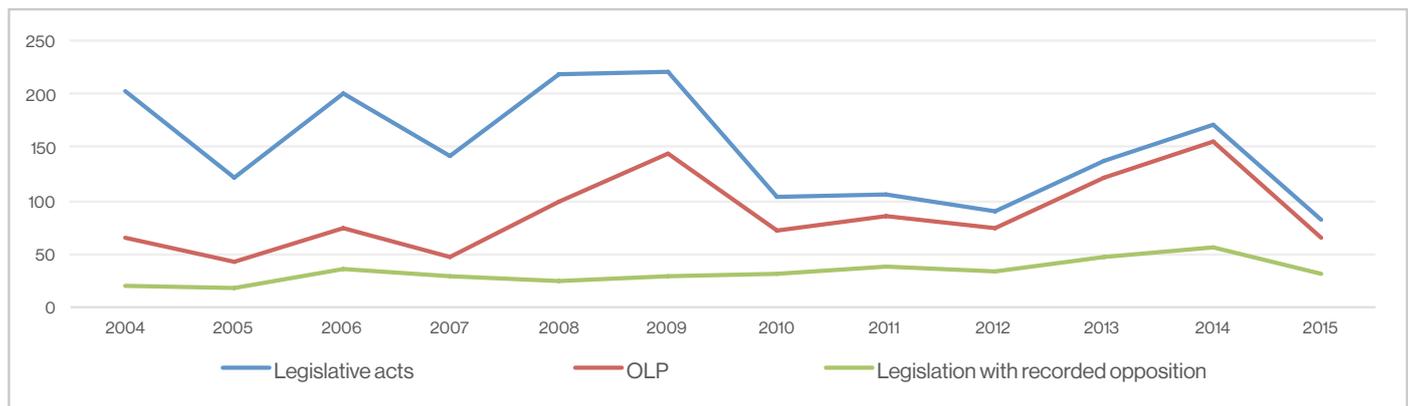


Figure 2 further elaborates on the recorded opposition in the Council as it shows the percentage of times each EU government has been in a losing "minority" in Council votes, as a proportion of all votes it took part in in the 2004-2009 and 2009-2015 periods.

Two things are immediately striking. First, there was a big increase in the level of conflict in the Council between 2004-09 and 2009-15, with many more governments voting No or Abstaining in the latter period than in the former period. Second, the UK government was on the losing side a far higher proportion of times than any other EU government in the 2009-15 period: jumping from being on the minority (losing) side only 2.6% of the time in 2004-09 to being on the minority (losing) side 12.3% of the time in the 2009-15 period. Also, the next most frequent "losing" governments, Germany and Austria, were only on the minority side 5.4% of the time in this period.

One thing to note, though, is the very high level of agreement in the Council in both periods. Put the other way round, the UK voted on the winning side 97.4% of the time in 2004-09 period and 86.7% of the time in the 2009-15 period.

Table 1 below the figure further elaborates on the distribution of these votes by the UK governments since 2004.

Figure 2: Percentage of times a member state was in the minority in the EU Council, 2004-15

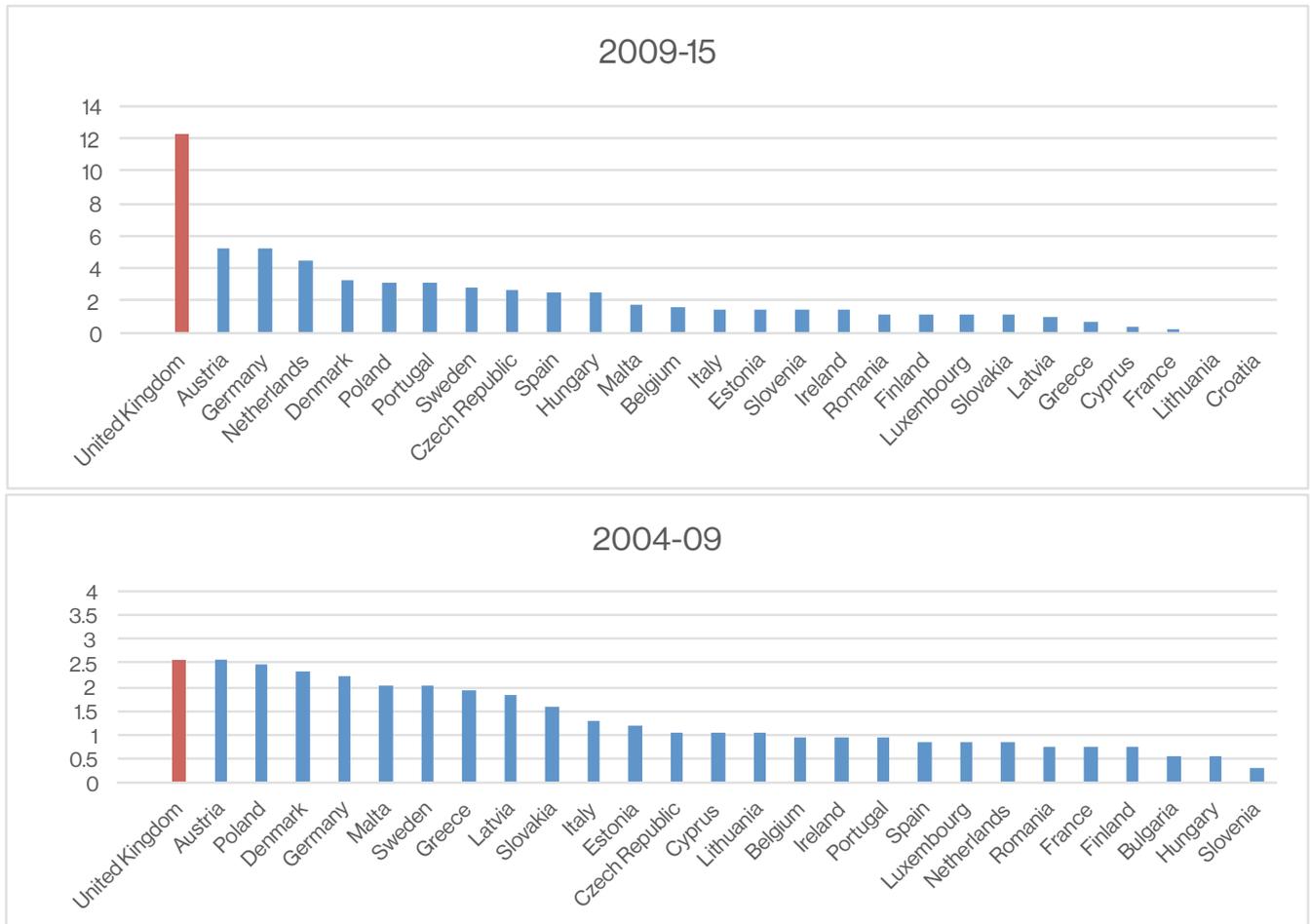


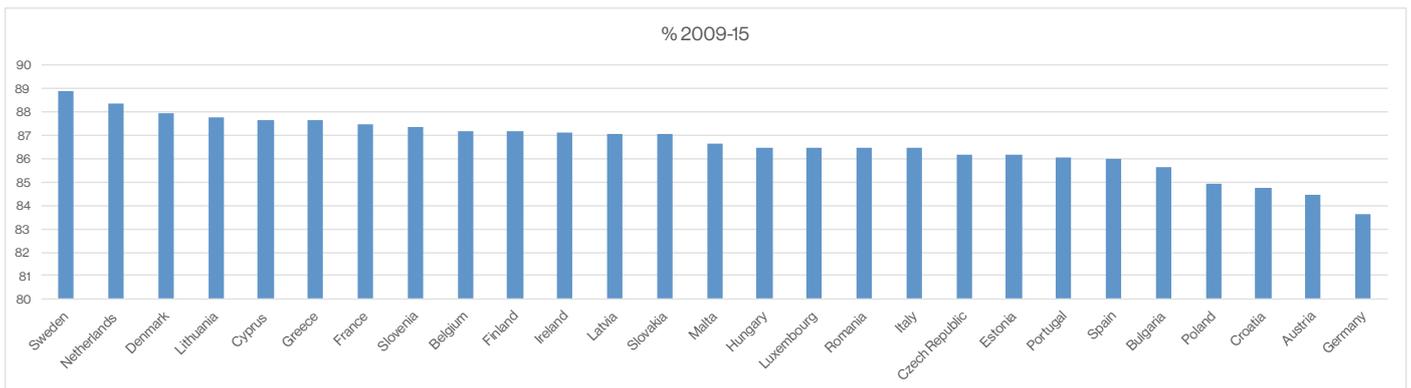
Table 1: UK Votes in the Council 2004-15

YEAR	YES	NO	ABSTAIN	OPT-OUT
2004	198	1	3	0
2005	119	1	2	0
2006	198	1	2	0
2007	135	5	2	0
2008	213	3	3	0
2009	211	4	6	0
2010	96	1	11	3
2011	86	4	7	9
2012	77	7	2	2
2013	118	9	8	9
2014	156	4	5	0
2015	66	7	6	3

Who votes together with the UK?

Digging a bit further into the 2009-15 data, we can look at which other governments most frequently voted with the UK. This is shown in Figure 3. The UK's main allies in this period were some of its Northern European neighbours – Sweden, the Netherlands, and Denmark – while the German government was least likely to vote the same way as the UK. Meanwhile, perhaps surprisingly, in this period the UK government voted more frequently with the French government than the Irish government.

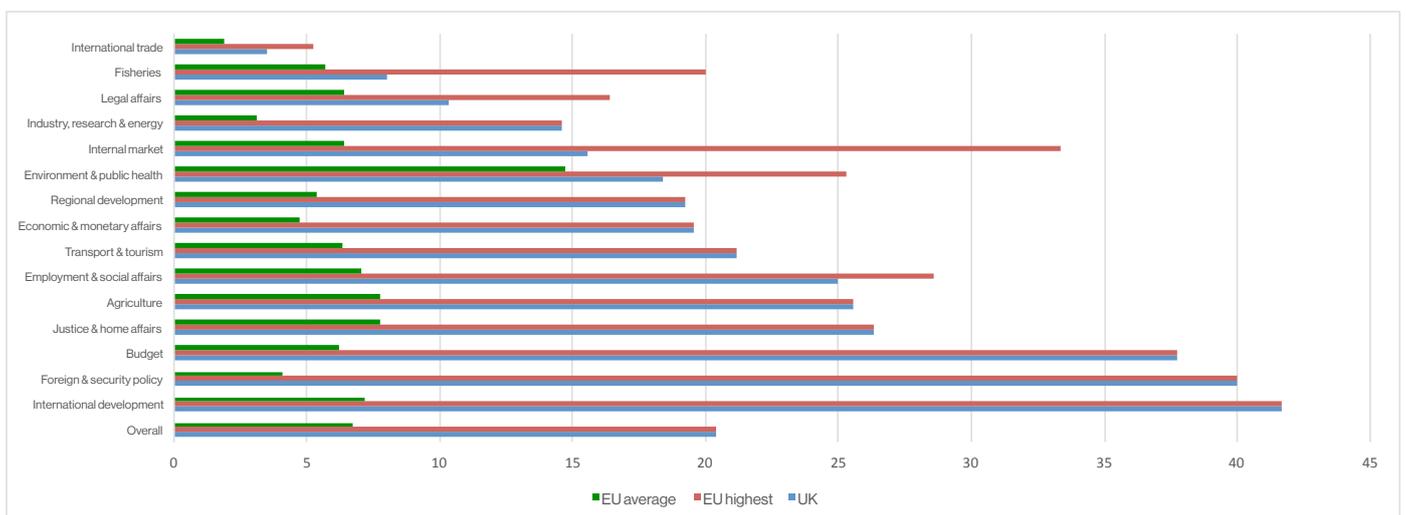
Figure 3: UK allies, % of votes, 2009-15



Votes by policy area in 2009-15

These aggregate patterns might be distorted by the fact that there were more votes on some policy issues than on others, and perhaps the UK was more likely to be on the opposition side in particular areas. To investigate this we can break the 2009-15 votes down by policy area, for all areas where at least ten votes were recorded. As Figure 4 shows, the UK voted against the majority more frequently on budgetary policies, foreign and security policy, and international development, and voted with the majority more frequently on international trade, industry, environment, transport, legal affairs, economic and monetary union, and internal market policies. In most policy areas, the UK was again the member state most likely to vote against the majority, and significantly more likely than the average government in the EU. Nevertheless, the UK was not the most oppositional government on several important issue areas: internal market, legal affairs, transport, environment, and fisheries.

Figure 4: Losing side by policy area

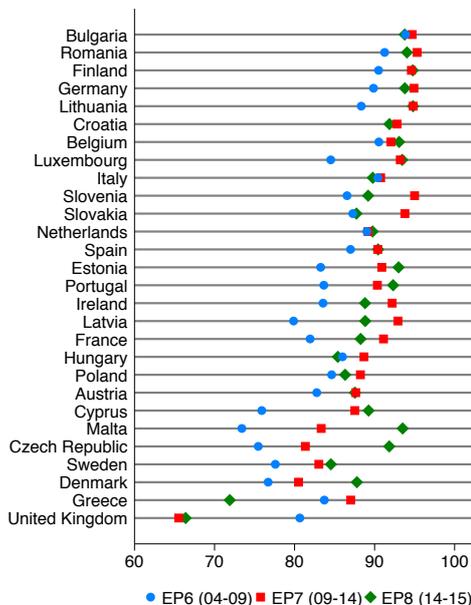


The UK in the European Parliament

MEP Voting Behaviour

Turning to the European Parliament, how influential have British MEPs been since 2004? To start with, Figure 5 shows the percentage of times each member state's MEPs were on the 'winning side' in all votes in EP6, EP7 and EP8. The first thing to note is that the average is high: about 85 per cent. This is because many votes are highly consensual. Nevertheless, there is significant variation across countries: from 93 per cent for Finnish MEPs (and even higher for Bulgarian and Romanian MEPs, who joined in 2007), to only 71% for British MEPs. Also, while British MEPs were reasonably successful in EP6, since 2009 they have been less likely to be on the winning side than the MEPs from any other member state.

Figure 5: Percentage of times a member state's MEPs are on the winning side in the European Parliament



Note: A member state's delegation of MEPs was calculated as being on the 'winning side' in a vote if the plurality of the MEPs from the member state voted the same way as the majority of all MEPs in the vote.

A key issue to remember, of course, is that voting in the European Parliament is mainly along political group lines rather than national lines. As a result, what determines whether an MEP is on the winning or losing side is which political group she belongs to and whether she follows her group's voting positions, rather than which member state she is from. In addition, because coalitions in the European Parliament tend to form along left-right lines, the centrist group in the European Parliament – the Alliance of Liberals and Democrats for Europe (ALDE) – is often pivotal in deciding whether a winning majority is either on the left or on the right. As a result, ALDE was on the winning side in votes almost 90 per cent of the time in EP6, EP7 and so far in EP8. The two largest groups either side of ALDE – the European People's Party (EPP) and the Socialists and Democrats (S&D) – also play a dominant role (and are on the winning side almost as frequently as ALDE), while the political groups further to left – the European United Left/Nordic Green Left (GUE/NGL) and the Greens/European Free Alliance (G/EFA) – and further to the right – the European Conservatives and Reformists (ECR), Europe of Freedom and Direct Democracy (EFDD), and Europe of Nations and Freedoms (ENF) – are significantly less likely to win votes.

The high level of political group cohesion and the dominance of the three centrist groups have had significant implications for British MEPs. Of the British MEPs, only the Labour Party (in S&D) and the Liberal Democrats (in ALDE) now sit in one of the three dominant groups. The Conservatives left EPP in 2009, to form ECR. ECR was on the winning side only 56 per cent of the time in EP7 and has only been on the winning side 58 per cent so far in EP8. Also, the Eurosceptic groups (IND-DEM/EFDD) that UKIP has belonged to have voted against the majority in most votes since 2004. Furthermore, the UKIP MEPs' capacity to exert influence in the European Parliament is diminished by their very low participation rate in the EP votes: in the first year of the current EP term, UKIP's delegation has had a record low participation rate of just 62.3 per cent in EP plenary votes, which places it at the very bottom among all national party delegations in the EU.

Meanwhile, the G/EFA, where the UK Greens, SNP and Plaid Cymru sit, have won in only 64 per cent of votes since 2004. In addition, Labour and Lib Dem MEPs have lost seats while the Conservatives and UKIP have won seats. As a result, the number of UK MEPs in the three main groups (EPP, S&D and ALDE) has fallen from 31 out of 75 MEPs (41 per cent) in 2004 to 21 out of 73 (29 per cent) in 2015. Not surprisingly, then, UK MEPs are more marginalised in votes than they were before.

In addition, within their political groups, UK MEPs often vote against their groups' positions. In 2009-14, the Conservatives, who dominated ECR, voted with the group majority in almost every vote. In 2004-09, however, when the Conservatives were in the EPP, they only voted with the EPP majority 74 per cent of the time. This raises an intriguing question: to what extent is being the dominant party in a marginalised group (ECR) better than being a marginalised party in a dominant group (EPP)? Meanwhile, in 2009-14, Labour MEPs often voted against the S&D position, as did UKIP in EFD, and SNP in G/EFA. Only the Lib Dems and Greens were more likely to follow group instructions than the average members of their groups.

The combination of sitting in a marginalised group (ECR and EFDD) plus voting against the position of the majority of a group (Labour in S&D) means that UK parties are considerably less likely to be on the winning side than other national parties. The only exception are the UK Liberal Democrats, who were an influential party in the pivotal group before they lost all but one of their MEPs in 2014. Interestingly, though, some parties from the UK's allies are also relatively marginalised. The Swedish Conservatives are less likely to win votes than any other major party in the EPP, while the Danish and Swedish Social Democrats are even less likely to win votes than Labour.

Overall, European Parliament voting records suggest that the UK is in a weak position in this branch of the EU's legislative system. Most British MEPs do not sit in the groups that dominate the European Parliament agenda. And even when they do sit in these groups – such as the Conservatives in EPP before 2009, and Labour in S&D – British MEPs are often opposed to the majority positions of these groups. As a result, British MEPs often find themselves on the losing side in key votes.

Key positions in the European Parliament

As with votes in the Council, the roll-call voting records in the European Parliament do not tell the full story of power and influence in this institution. Another key issue is whether UK MEPs capture some of the key positions of power in the European Parliament, such as committee chairs or rapporteurships.

The European Parliament has two main types of 'power positions'. First, there are the top offices: the Bureau members, the political group leaders, and the chairs of the 22 committees. The executive Bureau comprises the Parliament's President, the 14 Vice-Presidents (who chair the plenary sessions), and the

five Quaestors (who look after the welfare of MEPs). The political group leaders together determine the plenary agenda, while the committee chairs shape their committees' agendas and play a key role in legislative negotiations with EU governments and the Commission in their respective policy areas. These top offices are assigned at the beginning of each five-year term and re-assigned half-way through a term.

Second, there are the rapporteurs. A rapporteur is an MEP chosen by his or her committee to write a report on a piece of legislation, the EU budget or another issue. The rapporteur shepherds the report through the committee and the plenary, and leads any negotiations with the EU governments and the Commission. MEPs and political groups compete for these powerful positions, as a rapporteur can usually influence the amendments the European Parliament proposes and hence the eventual shape of the EU law – rather like a 'sponsor' of a bill in the U.S. Congress.

British MEPs have held several 'top offices' since 2004. Two have been Vice-Presidents (Edward McMillan-Scott and Diana Wallis), three have been Quaestors (Jim Nicholson, Bill Newton-Dunn, and Catherine Bearder), four have been political group leaders (Graham Watson, Martin Callanan, Nigel Farage, and Syed Kamall), and ten have been committees chairs (Giles Chichester, Phillip Whitehead, Arlene McCarthy, Neil Parish, Sharon Bowles, Malcolm Harbour, Brian Simpson, Claude Moraes, Vicky Ford, and Linda McAvan). In addition, a British MEP has chaired the powerful Internal Market committee continuously since 2004, and in the current Parliament, British MEPs chair three key committees: Internal Market and Consumer Protection (Vicky Ford), Civil Liberties and Justice and Home Affairs (Claude Moraes), and (International) Development (Linda McAvan).

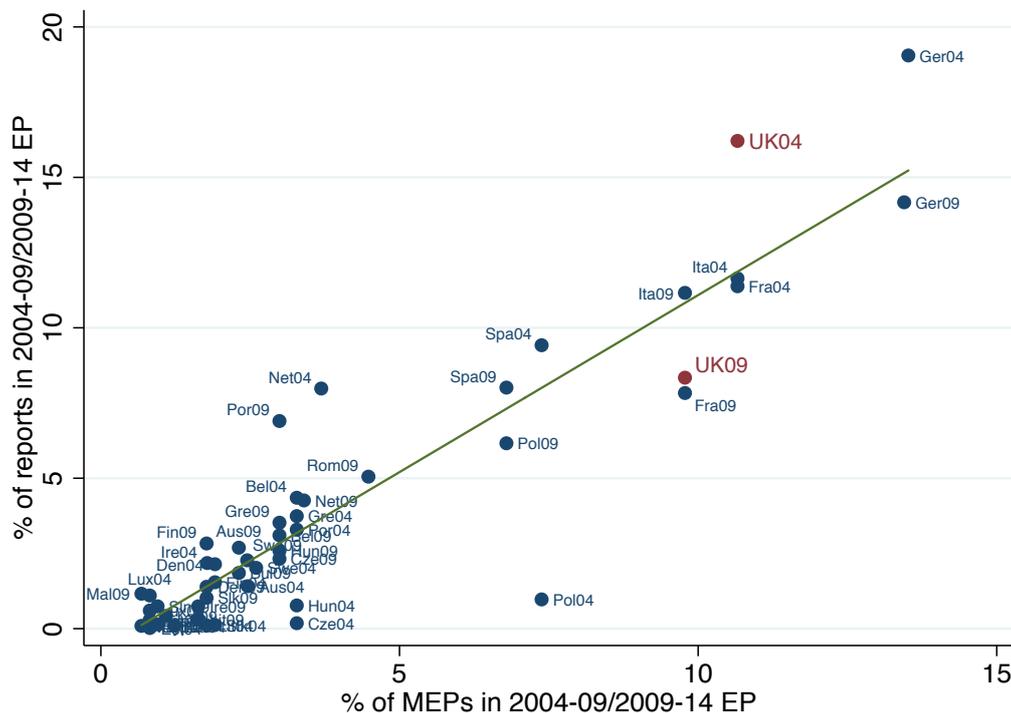


But how does this compare to other member states? One way of assessing this is to compare the percentage of MEPs each member state had in each two-and-a-half year period (2004-06, 2007-09, 2009-11, 2012-14, 2014-16) with the percentage of top offices their MEPs held. In general, since 2004, when compared to all member states, the UK has been slightly 'over-represented', in that there have been a larger proportion of British MEPs in top offices than British MEPs as a proportion of all MEPs. Nevertheless, all larger member states win more top offices than smaller member states, even relative to their number of MEPs, and the largest member state (Germany) does particularly well. This is because when a political group wins a top office, this office almost always goes to an MEP from a larger party delegation within the group, which is usually a party from one of the larger member states.

So, the fairest comparison is between the larger member states. Compared to the other larger member states, the UK is slightly 'under-represented' in the top offices in the European Parliament. The UK won more top offices than most other large member states in 2009-11, but fewer top offices than the other larger member states in every other period since 2004.

Turning to rapporteurships, Figure 6 shows the proportion of reports relative to the proportion of MEPs from each member state in the 2004-09 and 2009-14 terms. MEPs from the older member states, including the UK, are more likely to win rapporteurships than MEPs from the member states who joined in the 2000s. In fact, UK MEPs (co-)authored 224 reports in 2004-09 and 180 in 2009-14. These included reports on important pieces of legislation, such as the EU Directive on Local Loop Unbundling, which liberalised the EU internet service-provider market, and on which Nick Clegg MEP was able to shape the policy in a more pro-consumer direction. In general, in terms of report-writing, UK MEPs were 'overrepresented' in 2004-09 and slightly 'underrepresented' in 2009-14.

Figure 6: Over/under representation of rapporteurships



However, not all rapporteurships are of equal value. Authoring a report on a piece of legislation where the European Parliament has full legislative power is clearly more important than authoring a report on an issue on which the Parliament has little power. A slightly different pattern emerges when looking at reports on 'co-decision' dossiers in 2009-14: on all the legislation on which the European Parliament had equal power (alongside the 28 member state governments represented in the Council of the European Union) to amend and block EU laws. In this term, when it came to key pieces of EU law, UK MEPs authored more reports than the MEPs from every other member state except Germany.

In short, UK MEPs have captured many powerful agenda-setting positions. They have been Vice-Presidents, political group leaders, and Chairs of important committees. UK MEPs have also won rapporteurships on key legislation, which has enabled them to shape EU law. Moreover, UK MEPs have not been 'underrepresented' relative to the MEPs from the other big member states. And all of this has been possible despite the growing number of UKIP MEPs, who have not competed for many key offices or rapporteurships.

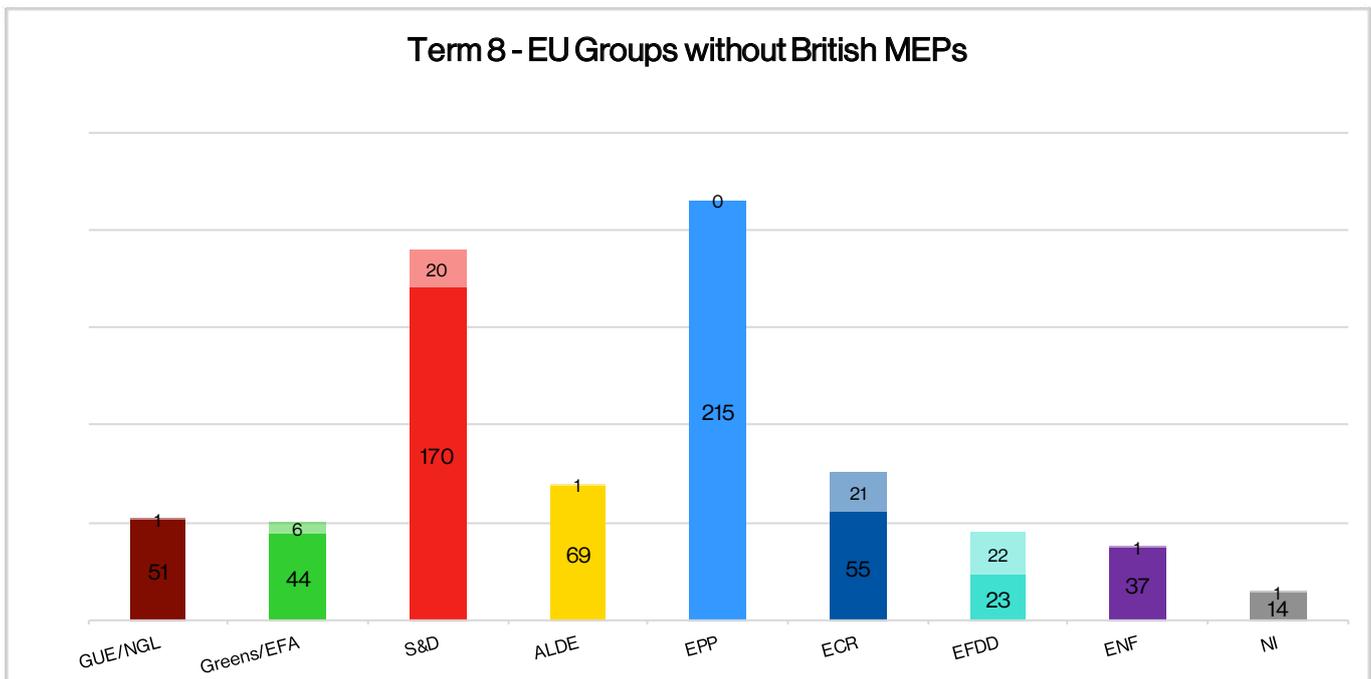
Effects of Brexit

The findings above show that the dynamics in the EU institutions would change substantially if the UK left the EU. Most of the British politicians who play a direct role in the EU Institutions are favourable to free market policies. In the Council there are David Cameron’s Conservative ministers. In the European Parliament, most of the British MEPs are on the centre-right side of the political spectrum (Conservatives in the ECR group, and UKIP in the EFDD group), while the Labour MEPs are much less prone to support extensive regulation than their Socialist colleagues from other countries, for example France.

We have run a simulation to see how some of the key decisions made in the European Parliament in recent years would have looked like if the British MEPs would not have been there to vote. On the basis of that, we can imagine how future EU legislation might look like, if it is made without British MEPs (and no other significant factors would emerge). Needless to say, this is not a comprehensive analysis, but it is meant to showcase some trends that are likely to develop, based on current facts and figures.

Here is how the structure of the political groups in the European Parliament looks like with and without the British MEPs.

Figure 7: Strengths of the European Parliament’s political groups with/without British Members



Effect 1: more regulatory burden on EU businesses

British politicians are substantially more favourable to reducing red tape than their continental counterparts. If they no longer take part in the decisions regarding the internal market, the pressure on the EU decision-making apparatus to simplify legislation and reduce red-tape would be much weaker. On the contrary, the forces that are of the opinion that reducing red tape has a negative impact on labour and environmental standards would become stronger and would find it easier to influence the decisions their way.

For instance, in May 2015 nearly all British Members of the Parliament (MEPs), regardless of their political family, supported a move to cut red tape. Concretely, they all voted in favour of a paragraph that backed the European Commission's approach to withdraw from the legislative process those bills that are considered obsolete or that are suspected to place too much administrative burden on the institutions and businesses working across the EU.

The provision was adopted by 412 votes in favour, 258 votes against and 11 abstentions. Without British Members, the majority supporting the cut of red-tape would have been definitely smaller: the result of the vote would have been 357 in favour, 251 against and 10 abstentions. The smaller the EP majority behind a Commission proposal gets, the more the Commission becomes hesitant to change course of policy. Notably, within the S&D group the British Labour delegation had a different opinion, voting alongside the centre-right in favour of less legislation. The statement was part of an own-initiative EP report dealing with green growth opportunities for SMEs.

Similarly, British MEPs from the three main delegations (Conservatives, Labour and UKIP) have traditionally supported a more flexible labour market, being of the opinion that this is needed in order to strengthen the competitiveness of the European enterprises. They have also voted against the introduction of minimum wages across the EU. In the case of Labour MEPs, their positions have sometimes even gone against those of their continental colleagues in the Socialist group, such as in the latest EP report titled "Creating a competitive EU market for the 21st century", voted in September 2015.

Effect 2: weaker copyright protection in the EU

In September 2010, the EU Parliament adopted a report titled "Enforcement of intellectual property rights in the internal market". The final shape of this non-legislative resolution was largely in favour of strengthening the position of rights holders and called for the introduction of a set of measures to combat IPR infringements in an effective manner. The text was controversial and was approved by a small margin of votes. The resolution was adopted by 328 votes in favour to 245 against and 81 abstentions. The MEPs from the two main British delegations, Labour and Tories, all voted in favour of the text. Notably, Labour MEPs did so even against the line of their Socialist continental counterparts.

In the absence of UK Members the score of the vote back in 2010 would have been 295 votes in favour, 225 against and 78 abstentions. After the 2014 EU elections the majority supporting stronger copyrights has diminished substantially and without the British MEPs it would no longer be a majority at all.

Effect 3: EU budget as a whole would be smaller, while Member States' contributions would increase

The disputes between Brussels and London on the matter of how much the UK should contribute to the common coffer are not news. According to the Treaty, the UK enjoys its famous rebate, which allows it to pay less money, proportionally, than the rest of the Member States. Additionally, British politicians try to reduce their contribution to the EU also indirectly, by reducing the EU budget as a whole (which would automatically reduce British contribution proportionally). Concretely, the British government takes this view in the Council every time it has the chance, but so do most British MEPs when voting in the European Parliament.

In the autumn of 2014, the pro-EU political groups were able to push forward a report on the draft EU Budget for 2015 that reversed the cuts proposed by the Council. The text was adopted by 464 votes in favour, 186 against and 46 abstentions. The vast majority of British MEPs from all political families voted against the requested increase in the EU budget. Therefore, without the presence of the UK Members, the opposition to the budget rise would have been much weaker: 460 votes in favour to 125 against.

The same happened more recently when voting on the resolution addressing the 2016 draft budget. This time again, the text welcomed the fact that the draft general budget of the EU for 2016 increased the funding in several domains such as security and foreign policy. The text was supported by 422 votes in favour, 173 against and 85 abstentions. Yet again, British MEPs from all political groups voted against the resolution. If they had not taken part in the vote, the result would have been 421 votes in favour, 116 against and 78 abstentions.

Consequently, in the case of a Brexit, the total EU budget would be certainly smaller without the British contribution. On the other hand, the Commission and the Parliament would have bigger chances of pushing for bigger contributions from the remaining Member States in the absence of British opposition.

Effect 4: stronger push for tax harmonisation and higher taxation of financial transactions

If the British MEPs had not been there to vote, harmonisation of taxation across the EU would have been more likely. An illustration of this is the rejection of a call for EU-wide tax harmonisation that took place in March 2015.

The Socialist, Liberal-Democrat and Greens/EFA MEPs wanted to adopt a measure calling the EU to put forward tax harmonisation measures. The proposal was rejected, by 308 votes in favour to 370 against, as most of the centre-right MEPs (EPP and ECR) voted against tax harmonisation. Interestingly, inside the Socialist and Democrats group, the British Labour delegation also disagreed with the position expressed by their continental counterparts and voted alongside the centre-right. Without the UK Members, the majority against the harmonisation of taxation would have been much thinner: 298 votes in favour and 317 against.

Moreover, if UK MEPs were to leave the EU Parliament, a stronger drive for normalising financial transactions would emerge. This can be observed on a vote over a paragraph within the report “EU Semester for economic policy coordination for 2015”. On this occasion, a centre-left majority succeeded in pushing for an explicit call for the adoption at Council level of an ambitious financial transaction tax (FTT). The provision was adopted by 353 votes in favour, 317 against and 27 abstentions. Without the British EU Parliamentarians opposing the paragraph, the majority in favour of the regulation of financial transactions would have been even stronger.

Effect 5: less support for nuclear and exploitation of unconventional energy sources (e.g. shale gas)

Supporters of nuclear energy would lose a strong ally in the EU institutions if the British MEPs were to leave the Union. UK members usually oppose provisions demanding the phasing out of nuclear energy. This was the case for example when voting on an amendment within the report “EU Energy Security Strategy”. The amendment was calling on the Member States and the EU institutions to phase out subsidies and other public funding for new and existing nuclear facilities. The call for the phasing out was rejected by 248 votes in favour and 419 against. With no UK MEPs, the result of the vote would have been 239 votes in favour and 360 votes against. In other words, the pro-nuclear camps would become smaller.

Similarly, there would be less backing for exploiting unconventional energy resources such as shale gas. Another amendment on the same report asking the Member States “to refrain from any shale gas exploration and exploitation activities” was also rejected by 289 votes in favour, 388 against and 25 abstentions. Without the British delegation, the outcome of the vote would have been 276 votes in favour, 329 votes against and 25 abstentions.

ⁱ Research for this part of the report was conducted in collaboration with Giacomo Benedetto.

ⁱⁱ These rapporteurships data are from William Daniel, and Steffen Hurka, Michael Kaeding and Lukas Obholzer. See W. Daniels, *Career Behaviour and the European Parliament: All Roads Lead through Brussels?* Oxford, Oxford University Press, 2015; and S. Hurka, M. Kaeding and L. Obholzer 'Learning on the Job? EU Enlargement and the Assignment of (Shadow) Rapporteurships in the European Parliament', *Journal of Common Market Studies*, vol. 53, 2015, pp. 1230–1247.

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