



UNIVERSITY of LIMERICK

O L L S C O I L L U I M N I G H

**The EU Presidency – a tool to increase bargaining
success?**

The Irish Presidency 2013 and the Tobacco Directive

by Cornelia Steinbock

Dissertation completed under the supervision of

Dr Frank Häge

M.A. European Politics and Governance

University of Limerick

1st September 2014

Abstract

When observing the decision-making processes in the Council of the European Union it is obvious that some actors have more success in influencing the political bargaining process than others. Against a common claim that smaller member states have little to no power in influencing the bargaining success, many smaller states seem to perform quite well. Several different hypotheses can be found in the literature on how member states can increase their impact, despite less voting power within the Council and smaller resources. These ‘tools’ are open to all member states but in order to overcome size-related disadvantages they are supposed to be of special importance. One of the suggested ‘tools’ is the use of the chair of the Council Presidency. To what extent the Presidency has an effect on the increased influence of states is also controversially discussed. While some claim that the Presidency has no formal rights or power, others see the informal proposal and scheduling power as tools to increase states’ influence towards their own preferences. This analysis of the Irish Presidency during the bargaining process in the Council during the Irish Presidency term 2013 falsifies the claim that influence of states relies on their voting power alone and shows examples how the Irish Presidency prioritised, used expertise, collective action, as well as proposal-making and scheduling power to their advantage.

Contents

Figures.....	iv
Abbreviations.....	v
Acknowledgements.....	vi
1. Introduction.....	1
2. Existing research on bargaining success and the role of the Presidency	4
2.1 Research design	11
3. Analysis.....	16
1) The obligation and size of combined pictorial and textual warnings on the packaging of tobacco products	20
2) The use of characterising flavours on the market	26
3.2 Explanations	29
The relationship between votes and political power	29
The role of expertise	30
Collective action	33
The Presidency's informal proposal-making power.....	36
The Presidency's scheduling power	37
4. Conclusion	39
Bibliography	42

Figures

Issue 1	21
Issue 2	27

Abbreviations

Official name in English (protocol name)	Country code
Belgium	BE
Bulgaria	BG
Czech Republic	CZ
Denmark	DK
Germany	DE
Estonia	EE
Ireland	IE
Greece	EL
Spain	ES
France	FR
Croatia	HR
Italy	IT
Cyprus	CY
Latvia	LV
Lithuania	LT
Luxembourg	LU
Hungary	HU
Malta	MT
Netherlands	NL
Austria	AT
Poland	PL
Portugal	PT
Romania	RO
Slovenia	SI
Slovakia	SK
Finland	FI
Sweden	SE
United Kingdom	UK

Institutions of the European Union

Official name of institution	Abbreviation used
European Union	EU
Council of the European Union/ Council of Ministers	Council
European Parliament	Parliament/ EP
Presidency of the Council of the European Union	Presidency
European Commission	Commission
Committee of Permanent Representatives	COREPER

Acknowledgements

I would like to express my deep gratitude to Professor Dr Frank Häge my research supervisor, for his patient guidance, enthusiastic encouragement and useful critiques of this research work. I would also like to thank all my lecturers from the Politics and Public Administration Department for guiding me through my studies and sharing their great knowledge and valuable attention with me over the last year. Their input in discussions and feedback on my own contributions have enriched and enhanced my research skills and my understanding of politics and public administration.

Finally, I wish to thank my family and friends for their support and encouragement throughout my study. I would also like to express my very special appreciation to Cairbre for his critical comments and inspiration during my studies.

“To create is to resist; to resist is to create.”

Stéphane Hessel

1. Introduction

Decision-making in the European Union (EU) faces various obstacles. Dispute can be found between and within the institutions of the EU. Additionally, the growing number of member states leads to more diversity of opinions and thus constantly to disagreement among actors. However, compromises and decisions are usually eventually made. An analysis of the bargaining process is interesting and important in order to understand how decisions are made and which actors succeed in negotiations. Particularly intriguing is the analysis of the decision-making process within the European Council of Ministers (Council). The Council is the main legislative institution in the EU. No legislative decisions are made without its explicit agreement. Although the importance of the European Parliament (EP) constantly grew in the last decade and in an increasing number of policy areas, the Council remains of special importance, for example as its direct representation of the member states and in its role as co-legislator with the EP. In some important policy fields the Council is still the only legislative institution in the EU. Thus decision-making in the Council has received considerable attention from theoretical scholars (Hayes-Renshaw/ Wallace 2006; Thomson 2008; Häge 2008; Panke 2010). However, systematic analyses of Council decision-making from an empirical point of view are rare. A number of studies examine the voting behaviour (Hayes-Renshaw/ Wallace 2006) and co-operation patterns of Member States in the Council.

Although the Council is the official representation of the member states within EU decision making, the inner structures of the Council are far more complex. More than

250 Council working parties and committees consist of diplomats and national officials to support the work of ministers. The Council's organisational structure is divided, horizontally with different sectoral ministers making decisions for their respective policy areas, but also vertically between different layers of committees. Working parties negotiate on a dossier at the bottom of the hierarchy. They report to more senior committees on the middle layer, and these senior committees in turn answer to ministers (Hayes-Renshaw/ Wallace 2006; Häge 2008).

My research is led by the question; why do some actors have more success in influencing the political bargaining process within the council than others? The special focus derives from observations made that some smaller Member States seem to be quite active in shaping decisions. These observations contradict the popular claim that the bigger member states alone would rule the EU, also often referred to as the Franco-German hegemony (Hayes-Renshaw/Wallace 2006: 25). Literature discusses different hypotheses on how those smaller Member States increase their impact, beside less voting power within the Council and smaller resources. One popular theory states that smaller member states can use certain 'tools' to overcome size-related disadvantages. One of the suggested 'tools' is the use of the chair of the Council Presidency (Presidency). To what extent the Presidency can be used to increase political bargaining success is the subject of disagreement among both practitioners and researchers (Thomson 2008). On one hand, its special status is described as an opportunity to achieve decision outcomes close to own preferences (Panke 2010b; Magnette/Nicolaidis 2003; Häge 2012; Schalk et al. 2007). On the other hand, the presidency is supposed to act as a 'neutral mediator' (Council 2011), and in line with this some authors describe the presidency as responsibility without power (Thomson 2008). This study will test whether the presidency has a positive

effect on the bargaining success of a small member state's preferences in an in-depth case study of Ireland's bargaining success in the decision making process of the legislative proposal on a revision of the tobacco directive by the Commission during Ireland's latest Presidency in the first half of 2013. Ireland is chosen as it is a small member state by definition of its votes in the Council, as well as its available resources and capacities. Moreover it recently held the Presidency in the Council during the first semester of 2013, which qualifies it for the study of a recent decision-making process. The tobacco directive is a good case as its approval was one of Ireland's priorities in their programme of presidency but at the same time a publicly controversial regulation.

2. Existing research on bargaining success and the role of the Presidency

In the literature on decision-making in the EU there is a strong focus on the European Parliament (EP). Information about the opinions and preferences of the main actors in the Council, the member states and their delegates, during the process of decision-making is often less transparent than in the EP – while equally or even more significant for the outcome. Subsequently there is respectable but considerably less frequent research on decision-making in the Council than in the EP. The opening process of the Council in the last ten years resulted in an increase of studies based on quantitative analysis, such as the studies of agendas of ministerial meetings (Hayes-Renshaw/ Wallace 2006), as well as data based on Council documents and expert interviews (Thomson 2011). The tested hypotheses are often developed from research of decision-making in other European units or in general. Thus, there are different common explanations of decision-making behaviour.

One way to analyse Council decision-making is to focus on member states' preferences on the specific characteristics of the the European legal proposals discussed (Thomson 2007: 988). Such intergovernmental perspective suggests an impact of opposition during the decision-making process on problems in the implementation after the regulation was adapted (Falkner et al. 2004: 452). Testing states preferences is difficult though because of the confidentially normally preserved in Council decision-making (Thomson 2007)

The most recent literature on Europeanisation suggests national governments act as “guardians of the status quo” (Falkner et al 2004: 453). State-based explanations investigate factors that vary mainly among the inner structures of member states. These factors include the administrative capacities socio-economic interests in national policy-making processes and certain policy implementation styles used nationally (Thomson 2007: 988).

The size of member states is identified as an important factor in determining their influence during the bargaining process. There are many different definitions of the size of EU member states, which are based on population, territory or economic size (GDP) (Thorhallsson 2006). One differentiation of states, which also matters in regard to the power of influence on European policies, is the classification by their number of votes in the Council (Bunse et al. 2005: 17; Panke 2010). Following this approach all states with fewer votes than the EU average are classified as small. The EU-28 average of votes in the Council is 12.75, classifying 20 member states as small in 2014 and standing in contrast to the total number of 352 votes. Qualified majority is the general rule to be used for decision making in the Council and is reached “when a majority (sometimes even two thirds) of the 28 EU countries vote in favour [and] at least 260 of the possible 352 votes are cast” (Europa 2014). Upon request it also can be checked “whether the majority represents minimum 62% of the total population” (Europa 2014).

H1: The fewer votes a state has in the Council, the less political power its national negotiators have to shape EU directives and regulations.

Although all small states face the same size-related impediments, some of them do have a higher success rate in shaping EU policy making. Studies show that some

small states such as Denmark, Luxembourg, Ireland, Belgium, Sweden and Finland are engaging well with the EU (at least in certain policy fields), while states like Cyprus, Bulgaria, Greece, Estonia, Lithuania and Malta are performing poorly (Börzel 2003:11; Panke 2010; Thorhallsson/Wivel 2006). In order to explain the phenomenon, scholars have identified that some small states overcome these size-related obstacles by applying certain techniques more successfully than their counterparts. It is argued that the voting power in the Council is not the only mechanism available to push national positions through the European negotiation process - especially since qualified majority voting has become the dominant rule and the consensus culture in the council has increased (Börzel 2003: 7; Thorhallsson/Wivel 2006: 660-661). Panke 2010 identifies three mechanisms through which states can change preferences and increase bargaining power beside the voting weight: 1) explicit or implicit threats; 2) argumentative power to convince others; or, 3) the power of reputation, drawing on own or others reputation. She further differentiates between technical (expertise) and politicised (normative) negotiations. In this Panke (2010) claims that smaller Member States could use expertise and reputation in certain policy fields to increase their bargaining success concerning specific issues, whereas it proves to be harder in normative negotiations to gain success against bigger Member States. This theory is backed by smaller states, for example former Irish Prime Minister Bertie Ahern: "If I had to depend on Ireland's weighted vote to promote our interests in the Council, I would not bother to turn up" (Bunse/ Magnette et al. 2005:26). Expertise requires specialists, time and background knowledge in order to develop convincing arguments, the comprehensive analysis of positions of other states, and the strategic development of proposals in terms of common concerns and innovation (Panke 2010: 801-802). In order to overcome these problems, prioritising and focusing resources on

a few policy fields helps to counterbalance limitations of administrative capacity (Harwood 2012: 132). Good contacts to the Commission can lead to the provision of background information at an early stage of policy making and unofficially the Commission can help to defend states' positions in negotiations. Subsequently, research time can be saved and states are enabled to prepare positions before they are discussed in the Council (Börzel 2003: 7; Bunse et al. 2005: 44; Harwood 2012: 132; Panke 2010: 803).

H2: The more expertise a state has in a particular policy field, the more political power its national negotiators have to shape technical EU directives and regulations.

The three mechanisms through which bargaining success during technical negotiations may be increased are expected to be enhanced when applied through collective action, which gathers the power of many states and boosts the influence of all states within the group. It is argued that cleavages help states to strengthen their own positions when forming groups along them. In this context observations were made that the positions of groups of new member states are closer than the positions of pairs of old and new members (Thomson 2011). Large member states have the power to block policies on the ministerial level by voting against it. In order to overcome the small voting weight the use of collective action, either through institutionalized co-ordination on a regional basis, or building strategic partnerships with bigger states can be beneficial (Bunse et al. 2005). Forming winning coalitions and subsequently gaining higher influence on the content of EU policies in Council working groups and the Committee of Permanent Representatives (COREPER) is easier for larger states. But once in a strategic partnership or part of collective action it

is a great opportunity for smaller states to use other states voting weight and reputation to push for the own preference.

H3: The greater participation in coalitions or collective action, the more political power the national negotiators have to shape technical EU directives and regulations.

Small states can also gain more influence by building a reputation as neutral defenders of the common will, or ‘impartial mediators’ between bigger states while holding the chair of the Council Presidency (Thorhallsson/Wivel 2006: 663; Panke 2010: 803). The official aim of the Presidency is to be a ‘neutral broker’ placing the national interest behind the European interests and focussing on the managerial and administrative responsibilities of the office (Hayes-Renshaw/Wallace 2006; Thomson 2008: 595; Council 2011: 10). Disrespecting this norm could lead to criticism and revenge from other Member States (Thomson 2008: 595). Some practitioners and scholars even classify the Presidency as ‘responsibility without power’, given that the Presidency lacks any major formal rights to influence or even schedule meetings, agendas or proposal amendments (Häge 2012; Thomson 2008). The potential use of the chair of Presidency to increase member states’ own influence is further restricted through the short six month term and the small scope to which the presidency can change and choose the items on the agenda (Thomson 2008: 595). However, the chair of the Council Presidency has grown in importance and duty over the last decades. All member states, but especially smaller member states, have been observed to experience difficulties in providing the necessary resources in order to entirely fulfil the administrative and financial capacities of the office (Hayes-Renshaw/Wallace 2006:133). National preparations for the chair normally begin several years in

advance of the six months in office and come with a significant financial burden, as well as a huge amount of additional administrative workload created by the organisation, chair, and management of over 4000 meetings during the Presidency (Hayes-Renshaw/Wallace 2006: 133). At the same time the increase in responsibilities also enables the chair of the Presidency to manipulate the Council agenda by acting as a promoter of initiatives (Hayes-Renshaw/Wallace 2006: 147). Informally it is accepted that the Presidency is responsible for the management of meetings and organisation of debates. Moreover the Presidency is expected to lead and mediate negotiations between oppositions and to provide compromise proposals helping to enable efficient outcomes (Häge 2012). Holding, lobbying and befriending the Presidency are consequently good tools to create special neutrality as the Presidency is related to the common interests but at the same time has the power of agenda setting and arranging chairs meetings, as well as preparing summaries and compromise proposals (Bunse/ Maignette et al. 2005: 19, 22, 45). States that have already gained experience in holding the Council Presidency, such as the Nordic member states, have reported the positive effects of agenda-setting power and diplomatic learning. Additionally, they have reported the positive effects of building significant knowledge and networks, which allow them to apply counterbalancing strategies more easily in future negotiations (Bunse et al. 2005: 7; Magnúsdóttir/Þórhallsson 2011: 216-217; Panke 2010: 811).

Consistent with these claims, several scholars (e.g. Bunse 2004; Schalk et al. 2007; Panke 2010b; Häge 2012) have identified the Council Presidency as a tool to overcome size-related disadvantages in shaping the bargaining success. The chair is described as “the one clear, albeit occasional, opportunity for a member government to imprint a particular style on the Council, to impose a particular topic on colleagues,

or to ride an individual minister's particular hobbyhorse" (Hayes-Renshaw/Wallace 2006: 148). It increases the agenda-setting power of every office holder. At the same time it cannot be used as a systematic tool to defend a states' interest as it follows the rotation principle (Bunse/ Magnette et al. 2005: 44). The Council presidency is identified as having great power at the negotiation stage (Bunse/ Magnette et al. 2005: 45). Under the qualified majority rule not all member states have to agree on the Presidency's proposal, making it possible for the chair to exploit its access to privileged information about member states' preferences and possible outcome options, in order to present suitable 'compromise' proposals of which the final outcome are close to their own policy position (Häge 2012). The aim of the use of the so-called proposal-making power is an outcome of decision making in favour of the Presidency's policy preferences (Häge 2012). It is measured on the Presidency's ability to create compromise proposals suiting disagreeing coalitions as well as the state's own preferences (Häge 2012).

H4: The greater the Presidency's informal proposal-making power is exploited; the more political power the chair of the Presidency gains to influence the outcome of Council negotiations.

Besides the proposal making power of the Presidency, Häge (2012) distinguishes the scheduling power. This is defined as the power to determine the amount of attention given to issues during the decision making process (Häge 2012). The use of scheduling power intends to progress discussions on some policy issues at the expense of others in line with the Presidency's priorities. Consequently, exercising scheduling power is less likely to provoke opposition by other member states or the Commission

and the pursuit of particular priorities by the Presidency is more widely accepted than attempts to influence the content (Häge 2012). The exercise of scheduling power is measured by the ‘Presidency’s ability to allocate the Council’s limited time and meeting room resources according to its own priorities’ (Häge2012).

H5: The more use a Presidency makes of its scheduling power to increase the attention of a preference issue, the more political power its national negotiators have to put emphasis on the preferred EU directives and regulations.

All states can use the above described mechanisms to increase the bargaining success. However, in order to perform better than their bigger counterparts, small states need to apply these mechanisms even more effectively. In the following text the performance of the Irish Presidency in one policy bargaining process will be analysed.

2.1 Research design

This study of Council decision-making follows the above mentioned relevant research, using Thomson’s approach to focus on member states’ preferences on the specific characteristics of the European legal proposals discussed (Thomson 2007: 988).

Methodologically, I will employ mainly qualitative case study methods. The analysis is based on the in-depth case study of the bargaining success in the decision-making of the legislative proposal of the revision of the Tobacco Directive (2001/37/EC). Analysing and comparing a larger number of bargaining processes of legislative

proposals would result in more comprehensive results. However, given the small scope of the dissertation, this analysis will test three hypotheses on the influence of the bargaining success of states and two hypotheses on the impact of Presidency on the influence in one case. The member state's influence describes 'the extent to which its actions result in decision outcomes that are congruent with its preferences' (Thomson 2008: 594).

The chosen case has to fulfil the three criteria of (1) a formulated small member states' preference, (2) the states' Presidency in the period of the bargaining process of this proposal, and (3) political importance including controversy about the proposal.

The chosen case, the bargaining process of the Tobacco Directive 2012/0366 (COD), fulfils all three criteria. The Council traditionally holds a strong role in the adoption of proposals in the field of Social and Health policies. The proposal by the Commission was published shortly before the Irish delegation started its term of Presidency in the first half of 2013. In its programme for the Irish Presidency 2013 the state made clear that it aims to introduce stricter regulations on tobacco products in order to protect citizens' health (Irish Presidency 2013: 35). The focus on the tobacco directive is also pointed out in paragraph 188 and 190 of the joint 18 month programme of the Council (1 January 2013 - 30 June 2014) of the 'future Irish, Lithuanian and Greek Presidencies': "The three Presidencies will take forward the work in the area of health determinants, whereby special attention will be paid to tobacco control policies. In this respect, work on the revision of Directive 2001/37/EC concerning the manufacture, presentation and sale of tobacco products ("Tobacco Products Directive") will be taken forward as a priority, once the Commission has submitted a proposal. Due attention will be paid to the e-health action plan on the basis of a

communication and roadmap to be submitted by the Commission“ (future Irish, Lithuanian and Greek Presidencies 2012: 62).

The process will be analysed with focus on the time of the Irish Presidency in the first quarter of 2013, finishing with the Presidencies proposal for the vote in first reading. In order to evaluate the impact of the Presidency the analysis will also include the initial proposal by the Commission, the most important milestones in the decision making process, and the final outcome and vote in the Council.

The chosen case is interesting to analyse in many ways. With only twelve votes within the Council, Ireland is one of the twelve smallest states by definition of voting weight, holding the third lowest number of votes. However, sharing the difficulties of small states administrative capacities in responding to the challenges of working in the Council, Ireland is evaluated as a good performer by many authors (Börzel 2003:11; Panke 2010; Thorhallsson/Wivel 2006). Although Ireland benefits from having gained crucial experience in the decision making process in the past, its small financial and administrative capacity was further decreased by the consequences of the financial crisis and the resulting internal problems during the 2013 term of Presidency of the Council. And so the case of Ireland is interesting to study as it faced typical challenges of a small member state, increased by the economic crisis, but at the same time showed indicators in the past that it has found ways of dealing with size-related disadvantages.

The case selection is furthermore dealing within the policy sector of the ‘Employment, Social Policy, Health and Consumer Affairs Council (EPSCO)’, and is in particular concerned with the revision of the Tobacco Directive from 2001. The Irish Presidency officially made the restrictions of the tobacco market as one of its

main priorities. As a consequence Ireland was facing the powerful and in Brussels well-known tobacco lobby as opponent. Pressure groups, such as the tobacco lobby, have gained increased influence in EU decision making by putting pressure on permanent representatives of states, as well as directly on their national governments and their respective administrations (Hayes-Renshaw/Wallace 2006: 27). It is thus interesting to see to what extent the goals of the Irish Presidency could be achieved in the bargaining process, not only against other member states' interests but also facing one of the most powerful lobbies world-wide. Besides, the study of Häge (2012) indicated that the EPSCO is dealing with one of the policy fields in which the Presidency is able to have a greater effect on.

The hypotheses developed above from the exiting literature will be tested on the analysis of the case.

The framework to analyse Member States policy positions developed by Thomson (2007) will be used. The dependent variable in all hypotheses is the bargaining success, in particular of the Irish Presidency. This is measured by the distance between the policy positions of each member state with policy positions.

The analysis of the positions and preferences will rely on the presidency programme, official Council documents concerned with the procedure, the number of meetings of the working party for the proposal, as well as official statements by member states and their representatives, and newspaper articles covering the decision making process of the Tobacco Directive. In the case that there were no official statements on a member state's position in official Council documents, educated guesses on the position were made, based on previous statements on the issue, positions expressed by leading politicians, or newspaper articles.

I am aware that the analysis is not complete and could be enhanced with a wider analysis of issues as well as more in-depth comparison with the positions of other states, as well as the behaviour of the Presidency in other proposals. However, the aim of the dissertation is to test common but controversial discussed claims made in the relevant literature. The dissertation thus serves as a contribution to additional research of the decision making and bargaining processes within the Council.

3. Analysis

The legislative proposal of the Tobacco directive 2012/0366 (COD) was introduced in December 2012 and adopted in April 2014. The case was discussed controversially from the start of the consultation by the Commission until its final approval by the EP. There was already an unusually high interest of all kind of actors during the drafting phase of the Commission. The high number of 85,000 statements in the public hearing of the commission, compared to an average of 500-1000 statements in most public hearings indicates the high importance and controversy of the proposal (Euractiv.de 29/03/2012).

At the 19th December 2012 the Commission published the final legislative proposal 2012/0366(COD) on Tobacco and related products: manufacture, presentation and sale. At this time the incoming Irish Presidency for the semester of 2013, represented by former Irish Minister for Health Dr James Reilly, welcomed the publication of the proposal and declared to aim for noteworthy progress in “reaching agreement on a new Tobacco Products Directive during the 6 months of Irish Presidency” (Department of Health 2012). The Presidency further expressed three goals towards the Tobacco Directive: 1) “to commence negotiations on a new Tobacco Products Directive which will update the current legislation” (Irish Presidency 2013: 35); 2) to “regulate tobacco products in a way that reflects their specific characteristics and the negative consequences of their consumption” (Irish Presidency 2013: 35); and 3) “to make substantial progress on this proposal” (Irish Presidency 2013: 35).

The compromise proposal was then prepared in the working group on public health within the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO). In January the COREPER decided to consult the Committee of the Regions, which adopted an opinion in July 2013. The first issues within the Council decision-making process were raised in February 2013 from Poland in a meeting of the Competitiveness Council (COMPET), where it called for more consideration of the competitiveness issues of the proposal, which in the opinion of Poland was proportionally weighted less attention than the health impact revision (Polish Delegation 2013). Additionally, seven reasoned opinions on the Commission proposal were submitted by the Swedish Parliament, the Romanian Chamber of Deputies, the Czech Chamber of Deputies, the Hellenic Parliament, the Italian Senate, the Portuguese Parliament and the Danish Parliament within the given time of opinions until mid-March 2013 (Council 2013c). Moreover reasoned opinions were received from the Bulgarian Parliament and the Italian Chamber of Deputies after the deadline.

In the case of Sweden and Denmark a special issue arose. Although being banned with some exemptions already in the previous Tobacco Directive of 2001, Sweden tried to extend the rights of the use and trade of ‘Snus’, oral tobacco. This case even led to the resignation of former EU Health Commissioner John Dalli in the preparation of the Commissions draft, as “one of his associates was accused of seeking bribes from "Snus" producer Swedish Match in return for lifting a sales ban on the snuff-like product outside Sweden” (Euractiv.com 2012; Chee 2014). The Snus-issue is a special concern of Sweden, which was granted an exemption for use of ‘Snus’ in its Accession Treaty, and Denmark, which did not accept the ban on oral tobacco valid since 1992 (Parliament of Denmark 2013; Jacobsen 2013; Council 2012: 8). It is considered to be an issue which has an impact on the bargaining process

as a whole and is interesting as two small member states are trying to increase their influence in order to lift the ban. Given that these are the only two states with positions on the issue and that the issue was more of importance in the preparation of the Commission draft than in the later bargaining in the Council, in this analysis the issue of ‘Snus’ is only dealt with as a side-topic.

Three other main issues between member states can be identified from the other submitted reasoned opinions and subsequent discussions in the EPSCO: 1) Health protection versus competitiveness; 2) Consumer freedom/choice versus Consumer information/protection; 3) Danger of product piracy/ brand protection versus protection from false attractiveness. As a consequence these issues were also vital topics in the negotiations within the Council. The joint programme of the Irish, Lithuanian, and Greek Presidencies 2013-2014 also prioritised the tobacco directive under the motivation of an increased protection for the youth from the negative effects of smoking. This was reflected in the high number of 13 Council working group meetings concerned with the directive during the Irish Presidency alone (Irish Presidency 2013; Council 2013a). The high number of concerned meetings and three changes to the presidency proposal alone during the Irish Presidency also reflects the great level of controversy (Council 2013a;b;c;d). This and the official approach in the programme of Irish Presidency (Irish Presidency 2012) emphasize the priority status of the Tobacco Directive in the first quarter of 2013.

As a result of the working group meetings and parliamentary reservations made by Denmark and UK to the original Presidency proposal of the directive (Council 2013c), the Presidency developed and changed its proposal of the Council’s position on the directive several times, resulting in the publication of the final draft on 07 June

2013. This draft included a broad compromise of the discussed issues below and was further discussed in the COREPER and the Council on 14 June 2013 and 21 June 2013, when the Irish Presidency reached one of its major goals of adopting a final common position of the Council on the directive before the Presidency's term ended

However with the start of the Lithuanian Presidency in July the process slowed down because of the summer break as well as the negotiations with European Parliament and big tobacco lobby efforts, which resulted in more changes to the proposal but did not further change the two issues discussed below. Instead another part of the proposal concerning the regulation of E-cigarettes as medicine or for general sale became an issue in the negotiations between the Council and the EP. As most member states agreed on the unknown health risks of E-cigarettes the Council took a rather common approach aiming for the sale of e-cigs as medicine, while the EP, which was heavily lobbied by tobacco and e-cig firms, was in favour of a general sale (Keating 2014). A compromise in this issue was found in December 2013, regulating e-cigarettes for general sale at EU level, but allowing member states to regulate the product as medicines in national law. Eventually the compromised act was adopted by the EP in the end of February 2014 and by the Council on the 14 March 2014 in 1st reading. In the final vote in the Council only Poland (27 votes) voted against the adoption of the directive, resulting in the final end of procedure on 3 April 2014.

In the following text the two major issues in the bargaining process in the Council are discussed: 1) Article 9: The obligation and size of combined pictorial and textual warnings on the packaging of tobacco products; 2) Article 6: The use of characterising flavours on the market.

1) The obligation and size of combined pictorial and textual warnings on the packaging of tobacco products

The first and main controversy concerned the increase of the size of pictorial and textual warnings on the packaging of cigarettes and other tobacco products. Those member states arguing that combined warnings on the packaging have no effect in decreasing the number of smokers and thus are in favour of no combined warnings at all on the packaging were on one side of the issue (position 0). On the other side of the issue (position 100) were those in favour of plain packaging, a measure which not only allows an increase of warnings on packaging but also allows no brand specific design. The status quo was legally deriving from the revised Tobacco Directive 2001¹. In Article 5 of the 2001 directive it is ordered that “general warning (...) and the warning for smokeless and oral tobacco products (...) shall cover not less than 30 % of the external area of the corresponding surface of the unit packet of tobacco on which it is printed” (EP / Council 2001). This general warning only means regulates the use of textual warnings and left the use of combined textual and pictorial warnings optional. The option of combined warning and the use of only 30% of the surfaces placed the status quo on position 30.

The Commission proposal is placed very close to the plain packaging extreme at position 75. It was drafting to make combined warnings compulsory and to increase the size of warnings from covering at least 30% of the packet to 75% coverage of the surface. Cyprus, Denmark, Germany, Malta and Latvia expressed overall support of the Commission’s proposal on warnings, while clearly expressing dissociation from

¹ *Directive 2001/37/EC of The European Parliament and the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products*

the introduction of plain packaging and with reservation concerning trademark and intellectual rights of tobacco brands.

Issue 1

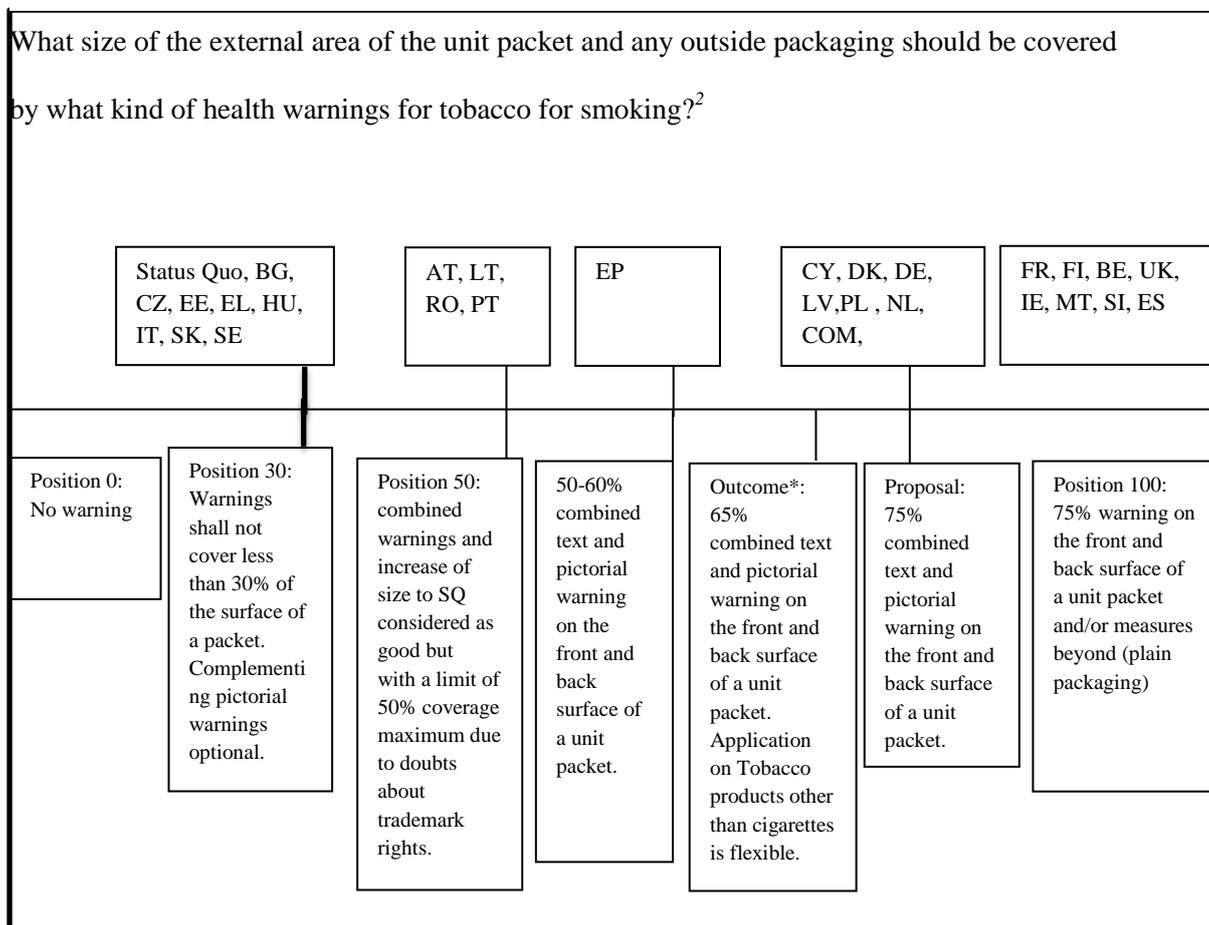


Figure 1 illustrates that Ireland's position is far right in favour of plain packaging and full size warning, even stricter than the commission's proposal. Irish Minister for Health at the time, Dr James Reilly, TD, is a public supporter of plain packaging

² Positions: AT: (Österreichischer Parlament 2013); BE: (Council 2013e); BG: (Council 2013e; National Assembly of the Republic of Bulgaria 2013); CZ: (Council 2013b; Council 2013e; Parliament of the Czech Republic 2013); DE: (BMEL 2014; Deutscher Bundesrat 2013); DK (Council 2013e); ES: (Council 2013e; Spanish Ministry of Health 2010); EE: (Council 2013e) FI: (Council 2013e); FR: (Council 2013e)HE: (Hellenic Parliament 2013); HU: (Council 2013e; Höcsik 2013); IE: (Irish Presidency 2013;a); LT: (Lithuanian Presidency 2013); LV: (Council 2013e); MT: (Council 2013e; Maltese House of Representatives 2013); NL: (Council 2013e; Dutch Senate 2013; Netherlands 2010); PL: (Council 2013b; Council 2013e; Polish Senate 2013); PT: (Council 2013e; Assembleia da República 2013);RO: (Council 2013e; Parliament of Romania 2013; Romanian Senate 2013); SE: (Sweden 2010); SK: (Council 2013e; Slovak Republic 2010); SL: (Slovenian Ministry of Health 2013; Slovenian National Assembly 2013); UK: (House of Commons 2013)

following the Australian standards. This would include the removal of all form of branding, simply presenting the brand name in a uniform typeface for all brands and one plain neutral colour for all packages, with the majority of the package displaying a text and picture warning about the dangers of smoking instead (Department of Health 2013a). While Dr Reilly was aiming for a strict European regulation, he always made clear that he will take the stricter option on a national level also without European support. While the negotiations in the Council were still ongoing, Ireland already began working on a draft of the national introduction of plain packaging in May 2013. Dr Reilly justified and supported the strict position on tobacco promotion and packaging: “purely by the fact that it will save lives, in particular the lives of children” (Department of Health 2013b). He further expressed his greater objective to establish a tobacco free society “not just in Ireland but in the EU and across the world” (Department of Health 2013b). At the meeting of the Council of the European Union - Employment, Social Policy, Health and Consumer Affairs on the 21 June 2013, the Irish minister for health Mr. Reilly was speaking to the Council ‘as a doctor’ and Chair of the Irish presidency. He put a special emphasize on the importance of warning the people sufficiently and thus demonstrated that the issue of the size and combination of warnings was a major priority for the Irish Presidency. However Ireland had already planned the introduction of plain packaging at this point.

Close to the Irish position are mainly older and well established member states, such as the UK, France, Finland, or Belgium, but also Spain which were considering plain packaging as an option in order to fight the high percentage of young smokers (McAvan 2013: 9; Spanish Ministry of Health 2010: 5). Moreover, most of the states in favour of larger combined warnings are already experienced in applying combined warnings in their countries, such as the UK, Latvia, Belgium, France, Spain, Denmark

and Malta (Commission 2013: 11). Although Slovenia did not have pictorial warnings introduced nationally at that time, it expressed a special interest in plain packaging or at least 80% coverage of combined warnings during the public consultation in the preparation of the directive (Ministry of Health Slovenia 2010). Furthermore, it declared that Slovenia “will strive to achieve some of the stricter solutions with an aim to ensure the highest possible level of protection of public health and to simplify the implementation and control and reduce the administrative burden“ (Slovenian National Assembly 2013).

The group of states placed at position 50 between the status quo (position 30) and the proposal (position 75) are placed close to the EP preference in favour of combined warnings covering 60% of the surface. They have in common that they expressed their preference of EU-wide combined warnings with an increase of size. However, while Poland for instance stated its preference of a minimum of 50% coverage, the other states did not explicitly state a certain size. However, Poland, Austria and Romania are opposed to measures towards plain packaging in order to ensure the rights of trademarks and brands. They expressed a position more opposed to plain packaging methods than those states placed with the Commission proposal (75), which would allow plain packaging on national level. All states at position 50 communicated concerns of possible violation of trademark rights in case of too grave interference with the creation of packaging of the industry. Romania openly expressed that the warning coverage of 50% of the packaging should be the maximum (Council 2013e).

On the side opposed to combined warnings in general or an increase of their size were foremost Eastern and such member states with borders to the outside the EU, of which

many argued that the economic difficulties and increased challenges of product piracy would not be justified by a rather small impact on the behaviour of smokers. States favouring the Status quo or less regulation expressed a greater concern of possible negative effects on their economies caused by a possible increase of counterfeits and illegal trade when the trademarks lose on weight, such as Bulgaria, Italy, Estonia, Czech Republic and Greece. Often being producers, some of these states also fear disadvantages for their economies, such as the Czech Republic: “The Czech Republic is a significant producer of tobacco products, with more than 2/3 of products being exported (...) further packaging standardisation, therefore, have a stronger impact on the economy of the Czech Republic than on economies of some other countries.” (Council 2013b:5). Moreover many of the states on position 30, such the Netherlands, Slovakia, Sweden and Greece, argue that any further regulation of the packaging lacks sufficient evidence of their impact on behavioural changes of smokers, as well as consideration on national rather than EU level (Government of the Netherlands 2010; Public Health Authority of the Slovak Republic 2010; Government Offices of Sweden 2010; Hellenic Parliament 2013). The position of Greece on the far left, opposed to any inclusion of pictorial health warnings is interesting as Greece, together with Ireland and Lithuania, prioritised the quick approval of success of the tobacco directive in their joint Presidency Programme 2013-2014. However, Greece argued that the measures would promote “uniformity in packets, [and] dimensions, combined with coverage, at 75%, by photos, leads to further distortion in competition, as favouring multi-national corporations’ trademarks. Abolishing differentiations and varieties in outside packaging and inability of promoting registered trademarks will result in limiting competition at the field of pricing, at the expense of tobacco quality, and, by extent, at the expense of public health.” (Hellenic Parliament 2013:4).

Another argument of the states in this group is that the broad labelling would interfere with brand and trade rights and thus would also not be in the subsidiarity of the EU.

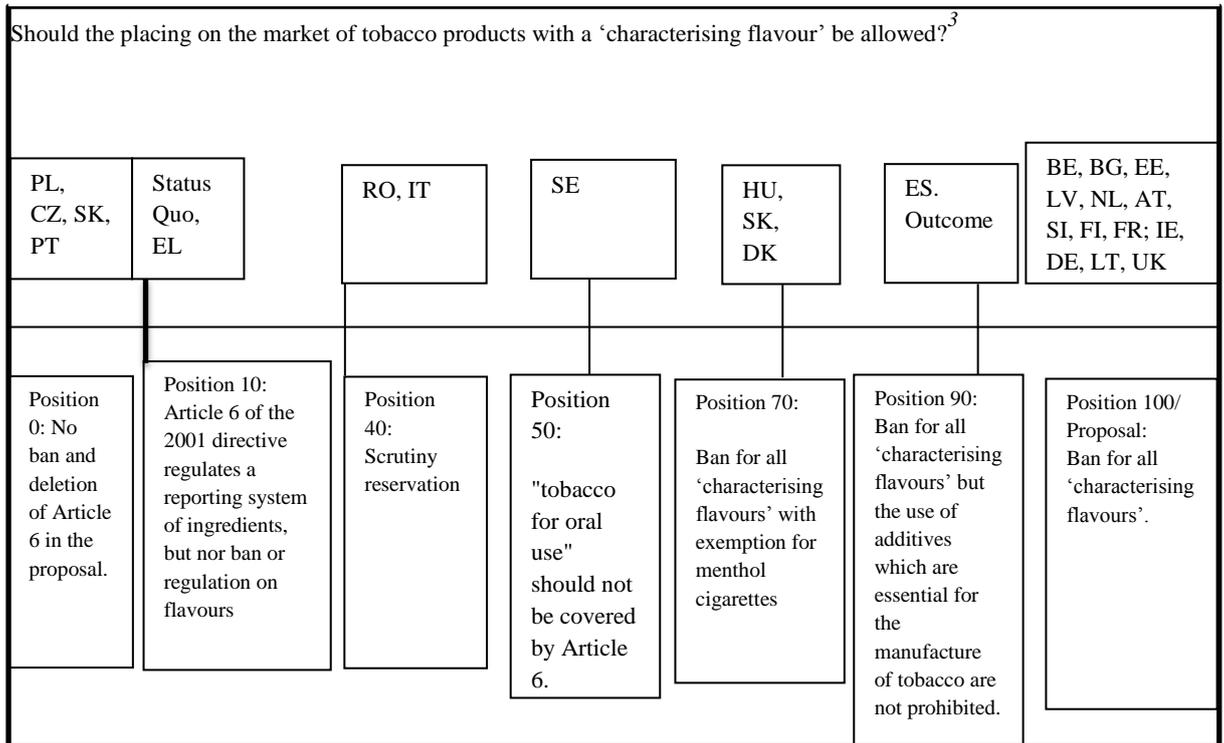
In the first amended proposal on 31 May 2013 by the Presidency the size of the combined warnings was not changed from minimum 75% coverage of the external area of both the front and back surface of the unit packet and any outside packaging. Continuing controversy in the working group led to the reduction of the size from 75% to 70% of the combined warnings in the next amended proposal by the Presidency on the 8 June 2013 (Council 2013e). This compromise was not accepted by enough member states leading to further debate in the Council and the final compromise and common position of the Council of an introduction of combined warnings covering a minimum of “65% of the external area of both the front and back surface of the unit packet and any outside packaging” (Council 2013d) adapted on the 24 June 2013. The final outcome is seemingly a large compromise also for the Irish position. However, although the minimum coverage of combined health warnings covers ten per cent less than the Irish position and the Commission proposal favoured, Ireland still succeeded as the introduction of combined health warning for all member states is going to be obligatory and more than half of the package will have to be covered. Moreover, the agreed position of the Council on 65% size of the warnings was further in risk of being decreased during the subsequent negotiations with the EP. Although Ireland was no longer holding the Presidency by October 2013, the Irish Taoiseach and the former Minister for Health appealed in a letter to MEPs to not allow a further amendment and cut of the size of the health warnings to 50%, but instead accept the Council position on this issue in order to reach a quick agreement in the preparation of the vote in the EP (Reilly 2013). The continuing Irish effort on this main issue finally succeeded as the EP agreed on this point with the Council and

the agreement was reached before the election of the EP in 2014. The final outcome also allowed member states to introduce further measures towards plain packaging, an amendment which was aimed to be deleted by the tobacco lobbies. Commentators thus argued that the final outcome on the health warnings on packaging really can be evaluated as a first step towards plain packaging (Euractiv.com 2013).

2) The use of characterising flavours on the market

Another major issue in the bargaining process within the Council was Article 6 of the Commission proposal which prohibits “the placing on the market of tobacco products with a characterising flavour” (Commission 2012: 29). The first issue that occurred was the definition of ‘characterising flavour’, while most states were in favour of including all flavouring in this definition, some wanted an exemption for menthol flavouring of cigarettes (Council 2013c: 22).

The main issue with the article 6.1 however is its proposed ban on the use of ‘characterising flavour’. Member states placed on position 0 disagree with a ban of flavours and were in favour of deleting the concerned article 6.1 completely, while member states on position 100 are on line with the proposal and in favour of a universal ban of all ‘characterising flavour’. The status quo was that the Tobacco directive of 2001 did not include any ban on flavours or ingredients, but only proposed the establishment of an information system of ingredients of tobacco producers to the member states (EP/Council/Commission 2001). Status quo is thus placed close to position 0, providing no regulation at all on the topic, except for an information system on used ingredients generally and controlled by the member states.



Poland, Czech Republic, Slovakia and Portugal were strictly against any inclusion of a regulation of the ingredients and not only opposed to the ban of all 'characterising flavours' but also to the whole of article 6 which attempts to regulate the use of ingredients of tobacco products on a European level (Council 2013e). Poland even expressed its will to support the tobacco lobby and proposed to set up a "new article 6a", which would be called "EU Support Fund for Tobacco Growers" (Council 2013e). The Czech Republic and Portugal are two of the biggest ones among the small states with 12 votes each, making the opposition quiet strong. On position 40 are Romania and Italy which did not form a clear position but used scrutiny

³ Positions: AT: (Österreichischer Parlament 2013); BE: (Council 2013e); BG: (Council 2013e; National Assembly of the Republic of Bulgaria 2013); CZ: (Council 2013b; Council 2013e; Parliament of the Czech Republic 2013); DE: (BMEL 2014; Deutscher Bundesrat 2013); DK (Council 2013e); ES: (Council 2013e; Spanish Ministry of Health 2010); EE: (Council 2013e) FI; (Council 2013e); FR: (Council 2013e) HE: (Hellenic Parliament 2013); HU: (Council 2013e; Höcsik 2013); IE: (Irish Presidency 2013;a); LT: (Lithuanian Presidency 2013); LV: (Council 2013e); MA: (Maltese House of Representatives 2013); NL: (Council 2013e; Dutch Senate 2013; Netherlands 2010); PL: (Council 2013b; Council 2013e; Polish Senate 2013); PT: (Council 2013e; Assembleia da República 2013); RO: (Council 2013e; Parliament of Romania 2013; Romanian Senate 2013); SE: (Sweden 2010); SK: (Council 2013e; Slovak Republic 2010); SL: (Slovenian Ministry of Health 2013; Slovenian National Assembly 2013); UK: (House of Commons 2013)

reservations on the topic, as they expressed concern on the effects on the internal market and imbalanced objective on improvements for health rather than economies (Boldi 2013). Sweden once again was concerned with the special status of its permission to produce and sell 'Snus' and thus took a position where the use of flavours for oral tobacco is not prohibited. Moreover the call for an exemption of menthol cigarettes raised by another group of three countries is placed on position 70. This opposition to a complete ban additionally played into the bargaining power of the opposition group, adding the number of states fully or partly against a total ban on 'characteristic flavours' to 12 (176 votes).

The biggest group on one position, while not yet a majority (165 out of 345 votes in total), includes three of the biggest states as well as the Irish Presidency and is in favour of the Commission's proposal for a total ban of all 'characteristic flavours' in tobacco products (Council 2013e).

The final outcome in the Council includes a ban on all tobacco products with 'characterising flavours' but allows the use of additives which are not resulting in a product with 'characterising flavours', as well as an exemption for Swedish Snus, and a four-year derogation until 2020 for menthol cigarettes (Council 2013d; Keating 2014). This approach was adapted in the final directive in Article 7 (Commission 2014). The final outcome is positioned at position 90 - very close to the proposal and pro-ban position but a compromise with the moderate positions of Sweden and position 70 on menthol cigarettes, providing exemptions for these positions.

There were neither official opinions, nor statements in any media given on the issue by the three small member states Cyprus, Malta and Luxembourg.

The final outcome is very close to the initial proposal and position of the biggest group, including the Irish preference. The group succeeded in the introduction of a ban on flavoured tobacco products, even on menthol cigarettes. Although the final ban includes few exemptions and won't be fully implemented as quickly as first proposed, the ban on a whole branch of flavoured tobacco products is a big win against the pro-tobacco lobby and states.

3.2 Explanations

The literature review in chapter 2 introduced hypotheses on how member states influence the Council decision making and how small member states could possibly overcome size-related disadvantages. The following text will discuss the decision making process testing the introduced hypotheses with focus on the role of the Irish presidency in the bargaining process of the analysed issues above.

The relationship between votes and political power

Relying on the previously mentioned definition, the influence of a member state is measured by “the extent to which its actions result in decision outcomes that are congruent with its preferences” (Thomson 2008: 594). The analysis shows that voting power alone is not the sole indicator of the political power of a state. Instead states with fewer votes in the Council proved relatively successful in influencing the negotiations towards their preferences. Poland, for example, used its high voting weight in the final vote in the Council, opposing the final Presidency compromise. Due to the qualified majority rule its weight alone could not stop the compromise from being adopted. At the same time the analysis shows that the negotiations and high number of working group meetings have played an important role in preparing a

successful final vote in the Council. The voting power as such has proved important, but the process before the vote actually appears to determine which preferences will gain most support. Despite being one of the smallest states (measured by votes), Ireland achieved an outcome in both issues very close to its own preferences. In a press release relating to the release of the Commission's proposal of the Tobacco Directive in December 2012, the former Irish Minister for Health Dr Reilly published his intentions to 1) "use the Irish Presidency of the EU to vigorously pursue measures to reduce the prevalence of smoking. on the directive"; 2) "to try and make significant progress in reaching agreement on a new Tobacco Products Directive during the 6 months Irish Presidency."; 3) "to push for that [international] cooperation at every opportunity."(Department of Health 2012). The statement shows that the use of the chair of the Presidency was officially intended to overcome size-related disadvantages, but instead use the increased proposal-making power to fulfil intention number one, the scheduling power to prioritise the agreement on the directive, in order to achieve the second and third intentions to push for international cooperation within the Presidency's term.

The role of expertise

The hypotheses claims that the more expertise a state can present on a policy field or issue, the more influence the state gains in the negotiations. In the analysed case the Irish Presidency represented by Minister Reilly claimed a lot of expertise and courage in the field of anti-tobacco policies. In the programme of the Presidency 'For stability, jobs and growth' Ireland highlighted the states' role as a pioneer in anti-smoking policies being one of the first countries which protected workers' rights by introducing a smoking ban in the workplace which was also introduced in most other states later (Irish Presidency 2013b). Ireland further pledges to continue its role in

tackling the long-term problems inflicted upon the health of citizens and economies of Europe caused by smoking (Irish Presidency 2013b).

Former Minister Reilly presented himself as the ‘neutral broker’ of the common will in the role of the chair of the Presidency, but at the same time defined the common goal to achieve a “smoke free environment” (Irish Presidency 2013a). He further used his professional background as a doctor to emphasize his own expertise on health issues and thus increased the weight of his arguments (Council 2013f). From a theoretical perspective Reilly represents the phenomenon that the Presidency’s use to “ride an individual minister’s particular hobbyhorse”, described by Hayes-Renshaw and Wallace (2006). As Minister for Health during the Irish Presidency 2013, Dr Reilly and his Ministry were responsible for the priorities in the Presidency proposal for the field of health. Reilly is publicly described as an ‘anti-smoking minister’ (The Irish Times 2013a) and stated officially that he works towards a smoke free environment in Europe, as he saw the lethal effects of tobacco in his profession as a medical doctor as well as being personally affected as “he lost his brother, a doctor and smoker, to lung cancer and his father, another smoker, who suffered a stroke and was prematurely blind for the last 14 years of his life” (The Irish Times 2013b). One exemplary statement of many alike expresses his point of view as such: “Let’s call a spade a spade. What would you call a product that kills one in two users? Purveyors of death – I really do feel very strongly about this. I don’t know any smoker who wants their child to smoke. How can we support this industry?”(Irish Times 2013b). His role as a health and anti-smoking expert was finalised when Reilly chaired the final meeting of the EPSCO during the Presidency term on 21st June 2013. The issue of the size of the health warnings was once more discussed, when Reilly showed two packages of cigarettes, one with a small warning and one with a bigger warning,

naming the first an ‘advertisement to trap children to take up smoking’, and the latter a ‘health warning’ to inform what the consequences of smoking could be (Council 2013f). He further expressed that he, as a doctor and politician, would feel the duty to care for and protect his patients and his voters respectively (Council 2013f). He then continued emotionally to address the representatives to reach agreement on the Presidency’s proposal which he felt “cannot be further amended” in order to save the life of “our” children (Council 2013f). This final speech of Reilly in his function as chair of the EPSCO and in preparation of the voting for a final common approach reflects Reilly’s special efforts and priority towards a strict Tobacco Directive during the whole Presidency term.

Moreover, concerning the issue of packaging and health warnings, Dr Reilly already prepared a national bill on the introduction of plain packaging within Ireland in the first half of 2013, while the size of combined health warnings was still controversially discussed in the Council working group (The Irish Times 2013b). He made an important official statement towards his belief in the effectiveness of greater size combined health warnings, as well as measures beyond. He also symbolised his confidence that such national introduction of plain packaging would be allowed in the final outcome of the directive. The Irish approach was officially backed by the political and financial expertise of the Irish head of state, the Taoiseach, and the Minister for Finance (The Irish Times 2013b). This confidence in the Minister’s approach further strengthened the reputation of Reilly’s expertise and so his strong position in the bargaining success.

The issue of the ban of ‘characteristic flavours’ used in tobacco products was also of highest priority for Reilly. Studies have shown that flavoured cigarettes are especially attractive to young people and within them, girls. Hence, the ban on flavours was seen

as one of the most important measures of the Commission proposal in order to prevent young people from taking to smoking. Dr Reilly thus expressed his professional expertise and personal commitment several times in statements to this issue: “For me as a professional, this (smoking) is something that is intolerable. We have to protect our children from it. As adults we make our own decisions, but when you are an adult and you are addicted it is very hard to give them up” (*The Irish Times 2013b*). After the final vote in the Council on a common position in June 2013, Dr Reilly commented the meeting where a common position was agreed that “he wanted tobacco products to taste and smell like tobacco. People will remember the first time they smoked, they felt unwell. That was your body telling you this was a toxin” (Cahill 2013). In the highly controversial issue of a ban on flavours he definitely reached this goal.

In contrast, a truly neutral chair would probably have had less influence on other member states positions. Undecided representatives are more likely to react to an emotional speech and proven expertise of a doctor, than to a plain chair of a meeting. Moreover a neutral chair would have added no further comments on its own opinion on how much more could be amended. At the end Reilly wanted to finalise the Irish Presidency with a strong compromise on the proposal towards stricter tobacco rules and succeeded. A neutral or even opposed Presidency may have cared less about an agreement on that meeting and moved the vote to a later date.

Collective action

The success of the anti-tobacco cleavage in the discussed directive is obviously not the sole success of the Irish Presidency. As clearly visible in figure one and two in the

discussion of the issues, both support and opposition of a ban found collective expression. The opposition of a ban included the major production countries Poland and Czech Republic in addition to Slovakia and Portugal. Poland was the biggest country in opposition and was most lobbied by the tobacco industry. The analysis of the positions showed that the opposition group (position 0-30) could not succeed in convincing the moderate opposition groups (position 50-70), which voted for the final Presidency proposal in the Council on 21st June 2013.

On the issue of ingredients, the ‘pro-ban group’(position 100) was strong, as they included three of the biggest member states. Being part of this large collective position, the Irish Presidency was strongly backed on the position of implementing a full ban on flavoured tobacco products. The increased bargaining power of the ‘pro-ban group’ is visible in the relative weak compromise for the opposition and mediate groups; only allowing a temporary extension of the use of menthol cigarettes and allowing the use of all for the production necessary ingredients (Council 2013d).

A weaker valid cleavage could also be described in old versus new member states, although there is various overlapping. The main cleavage line in both issues goes along production countries against non-production countries. Main production states were heavily lobbied by tobacco firms and member states such as Romania, Poland, Spain, Czech Republic, Bulgaria, Germany, and Italy were described as the main opposed states to the directive as their authorities claimed “job cuts and significant revenue losses for the State budget” if the proposed bans were introduced (Nine o’clock 2014). However Germany’s and Spain’s positions in the above discussed issues became increasingly moderate and open for compromise during the bargaining process, backed by national support for greater health protection policies (BMEL 2014; Jacobsen 2013).

In the selected case the three small states Presidencies in the term of January 2013-July 2014 Ireland, Lithuania and Greece solved the obstacle of short-term influence with an agreement on a ‘Trio Programme’ which promotes a comprehensible approach to planning the Council’s work over 18 months rather than just the 6 months of each Presidency. They officially developed this ‘Trio Programme’ in order to set the priorities “in a wider context, and specifically within the perspective of more long-term objectives running into the subsequent three Presidencies” (future Irish, Lithuanian and Greek Presidencies 2012: 6). In this joint programme the three small states also included an agreed priority approach on the tobacco directive: “The three Presidencies will take forward the work in the area of health determinants, whereby special attention will be paid to tobacco control policies. In this respect, work on the revision of Directive 2001/37/EC concerning the manufacture, presentation and sale of tobacco products (“Tobacco Products Directive”) will be taken forward as a priority, once the Commission has submitted a proposal“ (future Irish, Lithuanian and Greek Presidencies 2012: 62). This collective approach enabled all three, but mostly the starting Irish Presidency, to make plans on how to proceed in certain policy areas over a longer term than its short six month periods. As Ireland introduced many initiatives or negotiations, the joint agreement between the Presidencies allowed Ireland to ensure these efforts would be continued in their frame of preferences. At the same time the Irish Presidency was hastening for an agreement on the Tobacco directive. Greece was rather opposed to strict rules and bans on tobacco products and the joint agreement would not change this position, leading the Irish Presidency to push for an agreement during its own term.

As a concluding note to its role as a negotiator of the Council position on the Tobacco Directive, former Irish Minister for Health Dr Reilly said in this context: “I’m a great

believer in doing what is pragmatic and doing what is quick rather than try to hold out for the perfection that never comes your way, (...) There is a real sense that this is an important initiative and it has to be done (...) The Lithuanian presidency is very supportive of this and they are determined to lead the charge” (The Irish Times 2013a).

The Presidency’s informal proposal-making power

Although the Presidency has formally no increased powers, informally it is accepted that the Presidency is responsible for the management of meetings and expected to lead and mediate negotiations between oppositions and to provide compromise proposals in order to enable efficient outcomes (Häge 2012). As under qualified majority rule not all states have to support a proposal in order to pass it, the chair can exploit its access to privileged information about member states’ preferences and possible outcome options in the negotiations of a compromise proposal (Häge 2012). The Irish Presidency changed its compromise draft three times after issues occurring during the working group meetings before the final compromise draft was presented in the vote meeting on 21st June 2013. Presidency seems to have used its privileged information on states’ and other actor’s preferences. This is clear especially in the issues of a ban on the use ‘characteristic flavours’, and in the final call to all politicians to act in favour of bigger health warnings at the meeting of the final vote. The above described role of Minister Reilly in combination with his public statement on his efforts to achieve a ‘smoke-free environment’ as his ultimate goal, and the actual final outcome close to the Irish preference also point towards an exploitation of the proposal-making power of the Presidency.

The Presidency's scheduling power

It could critically be argued that the Presidency had no impact on the time that the Commission proposal was published and it was simply a lucky coincidence for Dr Reilly that the long discussed proposal was published right before the start of the Irish Presidency. However, as described above the proposal followed a long and controversially led preparation process. Many actors, such as the powerful tobacco lobbies had high interest in an even longer decision making process within the Council and between the Council and the EP in order to further soften the proposal or even stop the process of new legislation all together (Jossens/Raw 2014). Thus, no matter if it was by chance that the Commission proposal was arranged in time for the negotiations in the Council when a Presidency very much in favour of strict tobacco rules took the chair; a neutral Presidency concerned with such a controversial directive probably would not have finalized a common Council position within such a short time period and also might have resulted in weaker regulations. The Irish Presidency instead used the tool of prioritising the Tobacco Directive. Forming the official goal towards the directive was its “highest commitment to tackling the problem of smoking and [Minister Dr Reilly’s] objective during the Irish Presidency is to build consensus and facilitate agreement among Member States on the proposed revision of the Tobacco Directive” (Irish Presidency 2013a). The Commission and the Irish EU presidency publicly expressed their aim of pushing through the amendments to the tobacco directive as soon as possible in order to avoid further delay caused by the European elections in 2014 (Euractiv.com 2013b).

One prominent claim against the supposedly increased power of the Presidency is the small scope of change and choice of items on the agenda during the short six month term (Thomson 2008: 595). However, the Irish Presidency intended from the start of

the chair to finish its term with an agreement on the Council's position on the Tobacco Directive (Irish Presidency 2013a; c). As the Presidency can draft the number, time and agenda of all meetings and is also expected to chair them (Häge 2012), the Irish Presidency used its scheduling power to schedule 14 working group meetings before the planned vote in the Council in June (Euractiv.com 2013a). However, only 13 meetings of the working party on Public Health were held on the subject of the tobacco directive ultimately (Council 2013a;f). This still quite high number of meetings within only six months and the successful finalisation with a compromise in the Council, outlines the effective use of the scheduling power by the Irish Presidency. The working group meeting resulted in the three changes of the Presidency draft between May and June 2013 (Council 2013a;b;c;d), and resulted in the success of voting on a common position before the chair moved on.

The previously described example of the final EPSCO meeting shows that Reilly also used the chair of meetings to put special emphasise on the health aspects of the proposal in order to convince other states of the own preference (Council 2013f).

4. Conclusion

The analysis of the Tobacco Directive with focus on the role of the Irish Presidency has falsified the main hypotheses that fewer votes in the Council results in less political power of its national negotiators in shaping EU directives and regulations. The number of votes has proved to have some impact on the attractiveness and importance of a state for coalitions and during the final vote. However, the other four tested variables to increase a states' influence not withstanding its number of votes have been proven as effective in the case of the Tobacco Directive. The methods of presentation of expertise in a certain field as well as the exploitation of the increased proposal-making and scheduling power through the chair of the Presidency were successfully applied by the Irish Presidency in order to increase its influence on the outcome of the directive. The possibility of collective action through the participation of an alliance against tobacco with other member states, including states with a high number of votes further proved to increase the other applied mechanisms to achieve an outcome close to the Irish preferences. The Presidency expressed its three goals towards the Tobacco Directive at the start of its chair: 1) "to commence negotiations on a new Tobacco Products Directive which will update the current legislation" (Irish Presidency 2013: 35); 2) to "regulate tobacco products in a way that reflects their specific characteristics and the negative consequences of their consumption" (Irish Presidency 2013: 35); and 3) to "make substantial progress on this proposal"(Irish Presidency 2013: 35).

Although the three goals were faced with highly controversial negotiations, Ireland achieved a compromise which succeeded in all three goals. As discussed in the analysis this was only possible through the exhaustion of the mechanisms described in H2 to H5. A major reason for the high influence on the outcome is identified as the role of former Irish Minister for Health Dr Reilly. He defined the Irish preference from the outset and used the chair of the EPSCO to push towards a strong regulation and a quick agreement of the Council position within the six-month Presidency term. He used his professional expertise and Ireland's positive reputation on anti-smoking laws, as well as the increased public attention to emphasise the health aspects of the directive and succeeded with this approach and the increased proposal-making power from the Presidency.

This study is a contribution towards the understanding of bargaining success in the Council. It has challenged a common claim that the size, determined by the number of votes in the Council, is the main criteria for states' influence in the bargaining process. At the same time several contradictory criteria were tested and adjudged as partly influential. Future comprehensive studies comparing the influence of other states in this particular case could further investigate the role and effect of the tested mechanisms and identify why some states perform less successfully than others. The comparison of this study with other preference directives and issues of the Irish Presidency in the term of 2013 could further contribute to a more complete image of how the proposal-making and scheduling power can be used and to what extent they have a positive effect.

As a conclusion, this dissertation has confirmed that influence on the decision-making process is determined by many more and complex structures than simply the size and number of votes of member states. At the same time it showed that smaller states can

use the same tools to increase their bargaining power as all other states. The subsequent analysis demonstrates that the Presidency provides its chair with additional power to increase its bargaining success and can thus be claimed as a useful tool to this end.

Bibliography

Assembleia da República (2013): Resolution of the Assembleia da República.

Approving the Reasoned Opinion on breach of the Principle of Subsidiarity by the Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products.

Bailes, Alyson J.K.; Thorhallsson, Baldur (2013): Instrumentalizing the European Union in Small State Strategies. In *Journal of European Integration* 35 (2), pp. 99–115.

BMEL (2014): Besserer Schutz vor den Gefahren des Tabakkonsums durch neue Tabakprodukt-Richtlinie. Available online at http://www.bmel.de/DE/Ernaehrung/Gesundheit/NichtRauchen/_Texte/EUTabakprodukttrichtlinieNeuordnung2014.html, (accessed 7/7/2014).

Boldi, Rossana (2013): Comments and Proposals by the European Union Policies Committee. 30 January 2013. Italian Senate. Available online at <http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20120366/itsen.do>, (accessed 7/15/2014).

Bunse, Simone (2004): The 2003 Greek Council Presidency, *Mediterranean Politics*, 9:2, 248-257.

Commission (2012): Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products. COM(2012) 788 final, 2012/0366 (COD). Available online at http://ec.europa.eu/health/tobacco/docs/com_2012_788_en.pdf, (accessed 5/3/2014).

Commission (2013): SWD(2013) 56 final/2; Commission Staff Working Document. Report on the implementation of the Council Recommendation of 30 November 2009 on Smoke-free Environments (2009/C 296/02). Brussels.

Commission (2014): Tobacco products. Available online at: http://ec.europa.eu/health/tobacco/products/index_en.htm / Directive article 10:

http://ec.europa.eu/health/tobacco/docs/dir_201440_en.pdf (accessed 17/04/2014).

Council (2011): Handbook of the Presidency of the Council of the European Union. SN 3835/2/11. Brussels.

Council (2012): From General Secretariat of the Council to Delegations. Provisional Agenda for Council meetings, during the first semester 2013 (Irish Presidency). Doc. No. 18072/12, Brussels.

Council (2013a): Note from Presidency to Council (10382/13) Council (Employment, Social Policy, Health and Consumer Affairs) on 20-21 June 2013. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (First reading) - General approach, 18 June 2013, Brussels. Available online at:
<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2010382%202013%20INIT> (accessed 18/03/2014).

Council (2013b): 9576/13, 22.05.2013: Note from Polish and Czech Delegations to Council. Subject: Council of the European Union (Competitiveness (Internal Market, Industry, Research and Space)) on 29/30 May 2013. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (First reading). Available online at:
<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%209576%202013%20INIT> (accessed 18/03/2014).

Council (2013c): 10256/1, Cover note from Presidency to Working Party on Public Health. Subject: Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products, 31 May 2013, Brussels. Available online at:
<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2010256%202013%20INIT> (accessed 18/03/2014).

Council (2013d): 11483/13. Outcome of Proceedings: General Secretariat of the Council to Delegations. Subject: Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (First reading) - General approach, 28 June 2013, Brussels. Available online at: <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2011483%202013%20INIT> (accessed 14/08/2014).

Council (2013e): Note from Presidency to Permanent Representatives Committee(Part I). Subject: Preparation of the Council meeting (Employment, Social Policy, Health and Consumer Affairs) on 20/21 June 2013 Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (First reading) - General approach, 07/06/2013 Brussels. Available online at: <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2010335%202013%20INIT> (accessed 14/08/2014).

Council (2013f): Council of the European Union - Employment, Social Policy, Health and Consumer Affairs. EPSCO Council - Legislative Deliberations, Friday, June 21, 2013 at 12.50. Available online at: <http://video.consilium.europa.eu/webcast.aspx?ticket=775-979-13081>, (accessed 7/10/2014).

Department of Health (2012): Press release: Minister James Reilly welcomes the publication of a proposal for EU Directive on Tobacco. 19.12. 2012. Available online at: <http://health.gov.ie/blog/press-release/minister-james-reilly-welcomes-the-publication-of-a-proposal-for-eu-directive-on-tobacco/> (accessed 14/08/2014).

Department of Health (2013a): Press Release: New research shows plain packaging makes smokers 70% more likely to find cigarettes less satisfying – Minister Reilly, 22.7.2013. Available online at: <http://health.gov.ie/blog/press-release/new-research-shows-plain-packaging-makes-smokers-70-more-likely-to-find-cigarettes-less-satisfying-minister-reilly/> (accessed 14/08/2014).

Department of Health (2013b): Press release: Minister calls for EU support for Australia in battle with tobacco industry, 30.5.2013. Available online at:

<http://health.gov.ie/blog/press-release/minister-calls-for-eu-support-for-australia-in-battle-with-tobacco-industry/> (accessed 14/08/2014).

Deutscher Bundesrat (Deutscher Bundesrat): Empfehlungen der Ausschüsse zu Punkt ... der 908. Sitzung des Bundesrates am 22. März 2013. Available online at: http://www.bundesrat.de/SharedDocs/drucksachen/2012/0801-0900/820-1-12.pdf?__blob=publicationFile&v=1 (accessed 19/06/2014).

Dutch Senate (2013): EU-Voorstel: Richtlijn Tabaksproducten COM (2012) 7881. Available online at <http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20120366/nleer.do> (accessed 18/04/2014)

EP/Council/ Commission (2001): Directive 2001/37/EC of The European Parliament and the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products. In Official Journal of the European Communities (Ed.): L 194/26. Available online at http://ec.europa.eu/health/tobacco/docs/dir200137ec_tobaccoproducts_en.pdf, (accessed 7/2/2014).

Euractiv.com (2012): Draft EU rules open door to plain cigarette packs. Available online at: <http://www.euractiv.com/health/draft-eu-rules-open-door-plain-c-news-516730>, (accessed 20/07/2014).

Euractiv.com (2013a): EU ministers and parliament reach deal on tobacco directive. Available online at <http://www.euractiv.com/health/council-parliament-reach-deal-to-news-532415>, updated on 12/19/2013, (accessed 7/12/2014).

Euractiv.com (2013b): Tobacco debate ‘hotting up’ as Council details leaked to industry. Available online at <http://www.euractiv.com/health/tobacco-debate-hotting-council-m-news-519732>, updated on 5/15/2013, (accessed 8/17/2014).

Euractiv.de (2012): Die Dimensionen der EU-Tabakrichtlinie. Available online at: <http://www.euractiv.de/verbraucherschutz/linkdossier/die-neue-tabakrichtlinie-zwischen-gesundheit-geschäft-und-grundgesetz-000141>(accessed 17/04/2014).

Europa.eu (2013): Key Achievements of the Irish Presidency 2013. Available online at http://ec.europa.eu/ireland/how_the_eu_works/presidency/achievements-irish-presidency/index_en.htm, (accessed 24/05/2014).

Europa.eu (2014 a): 7.1 Countries. 7.1.1 Designations and abbreviations to use. Europa.eu. Available online at <http://publications.europa.eu/code/en/en-370100.htm>, (accessed 15/08/2014).

- Europa (2014 b):** Council of the European Union. Available online at:
http://europa.eu/about-eu/institutions-bodies/council-eu/index_en.htm (accessed 18/03/2014).
- European Parliament (2014):** Procedure file 2012/0366(COD): Tobacco and related products: manufacture, presentation and sale. Available online at:
[http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2012/0366\(COD\)&l=en](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2012/0366(COD)&l=en) (accessed 18/03/2014).
- Falkner, Gerda; Hartlapp, Miriam; Leiber, Simone; Treib, Oliver (2004):** Non-Compliance with EU Directives in the Member States: Opposition through the Backdoor? In: *West European Politics* 27 (3), pp. 452–473.
- Foo Yun Chee (2014):** EU Commission sues Denmark for not outlawing snus sales. Edited by David Holmes. Reuters. Brussels. Available online at
<http://in.reuters.com/article/2014/07/10/us-eu-denmark-snus-idINKBN0FF1BK20140710>, (accessed 7/15/2014).
- Government Offices of Sweden (2010):** Sweden's response to the public consultation on Directive 2001/37/EC of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products. Available online at
http://ec.europa.eu/health/tobacco/docs/contribution_sweden_en.pdf, (checked 20/08/2014)
- Häge, Frank M. (2008):** Decision-making in the Council of the European Union : the role of committees. Rotterdam: Optima Grafische Communicatie.
- Häge, Frank M. (2012):** The Scheduling Power of the EU Council Presidency. Paper presented at the MPSA Annual Conference, 12 - 15 April 2012, Chicago, USA.
- Haverland, Markus (2009):** How leader states influence EU policy-making: Analysing the expert strategy, *European Integration online Papers (EIoP)*, Vol. 13, Art. 25.

Hayes-Renshaw, Fiona; Wallace, Helen (2006): The Council of Ministers. 2nd ed. Houndmills [England], New York: Palgrave Macmillan (The European Union series).

Höcsik, Richard (2013): Opinion of the HNA to the EC Tobacco directive. Hungarian National Assembly Committee on European Affairs Chairman. Budapest. Available online at <http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20120366/huors.do> , (accessed 21/07/2014).

House of Commons, European Scrutiny Committee (2013): Fifth Report of Session 2013–14. Documents considered by the Committee on 12 June 2013 ,. Available online at <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmeuleg/83-v/83v.pdf>, (accessed 7/16/2014).

Irish Examiner (Ed.) (2013): Flavoured cigarettes to be banned under EU legislation. With assistance of Ann Cahill. Available online at: <http://www.irishexaminer.com/ireland/flavoured-cigarettes-to-be-banned-under-eu-legislation-234816.html>, (accessed 21/07/2014).

Irish Independent (10/13/2013): Enda's letter saves EU law from going up in smoke. Lobbying by Taoiseach and James Reilly secures anti-smoking laws. Available online at <http://www.independent.ie/irish-news/endas-letter-saves-eu-law-from-going-up-in-smoke-29655376.html>, (accessed 07/07/2014).

Irish Presidency (2013 a): Irish Presidency to build consensus and facilitate agreement among Member States on proposed revision of Tobacco Directive. eu2013.ie. Available online at <http://eu2013.ie/news/news-items/20130226reillyenvitobacco/>, updated on 2/26/2013, (accessed 18/03/2014).

Irish Presidency (2013b): Council Working Parties. Available online at: <http://eu2013.ie/ireland-and-the-presidency/abouttheeu/theeuexplained/councilworkingparties/> (accessed: 17/07/2014).

Irish Presidency (2013c): Further eu2013ie success in Health field with agreement on Tobacco Products Directive. Available online at www.eu2013.ie/news/news-items/20130621postepscohealth/, updated on 6/21/2013, (accessed 08/08/14).

Irish Presidency (2013d): For stability, jobs and growth: the Programme of the Irish Presidency of the Council of the European Union. 1 January - 30 June 2013. Dublin, 1/9/2013.

Italian Chamber of Deputies (2013): Reasoned Opinion. 19 February 2013 - Sixteenth Parliament, Bulletin of the Parliamentary Committees, European Union Policies Committee. Italian Chamber of Deputies. Available online at <http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20120366/itcam.do> (accessed 18/07/2014).

Jacobsen, Henriette (2013): Borg, EU health ministers push Parliament to adopt tobacco directive. Available online at <http://www.euractiv.com/specialreport-resilient-innovati/borg-health-ministers-call-parli-news-530888>, (accessed 20/07/2014).

Jossens, Luk; Raw, Martin (2014): The Tobacco Control Scale 2013 in Europe. A report of the Association of European Cancer Leagues. Istanbul.

Keating, David (2014): Parliament adopts new EU tobacco rules. Legislation will require graphic pictorial warnings on cigarette packs and stricter regulation of e-cigarettes. In European Voice, 26/02/2014. Available online at: <http://www.europeanvoice.com/article/parliament-adopts-new-eu-tobacco-rules/> (accessed 22/07/2014).

Lithuanian Presidency (2013): Lithuania holds the Presidency of the Council of the EU from 1 July 2013 till 31 December 2013. Available online at <http://www.sam.lt/index.php?2685152434>, (accessed 22/07/2014).

Lithuanian Presidency (2013): Lithuanian Health Minister Vytenis Povilas Andriukaitis speech to European Parliament plenary on the proposal for a revision of the Tobacco products directive. Available online at: <http://www.eu2013.lt/en/news/statements/lithuanian-health-minister-vytenis->

[povilas-andriukaitis-speech-to-european-parliament-plenary-on-the-proposal-for-a-revision-of-the-tobacco-products-directive](#), (accessed 23/07/2014).

Maltese House of Representatives (2013): Conclusions of FEAC Scrutiny Procedure. Available online at <http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20120366/mtkam.do>, (accessed 27/06/2014).

Magnette, Paul; Nioclaïdis, Kalypso (2003): Large and small Member States in the European Union: Reinventing the balance. *Notre Europe: Research and European Issues No.25*.

McAvan, Linda (2013): Procedure file 2012/0366(COD) ***I Draft Report. European Parliament. Committee on the Environment, Public Health and Food Safety, 10.4.2013. Available online at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-508.085+03+DOC+PDF+V0//EN> (accessed 15/06/2014).

Merrionstreet (2013): 16 EU health ministers call for early agreement on the tobacco products directive. Available online at <http://www.merrionstreet.ie/index.php/2013/10/16-eu-health-ministers-call-for-early-agreement-on-the-tobacco-products-directive/> (accessed 24/07/2014).

National Assembly of the Republic of Bulgaria (2013): Reasoned Opinion of the National Assembly of the Republic of Bulgaria. on the Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products 2012/0366 (COD). Available online at <http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20120366/bgnar.do>, (accessed 22/06/2014).

Netherlands (2010): Tobacco consultation. Contribution Netherlands. Available online at http://ec.europa.eu/health/tobacco/docs/contribution_netherlands_en.pdf, (accessed 28/06/2014).

Nine o'clock (2014): Poland says NO to the Tobacco Directive. Who's next? Available online at <http://www.nineoclock.ro/poland-says-no-to-the-tobacco->

directive-who%E2%80%99s-next/, updated on 7/22/2014, (accessed 16/08/2014).

Note from Presidency to Council (2013): Council (Employment, Social Policy, Health and Consumer Affairs) on 20-21 June 2013 Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products (First reading) - General approach. 10382/13. Brussels.

Österreichischer Parlament (2013): IV-62 der Beilagen zu den Stenographischen Protokollen des Bundesrates. Beratungen des EU-Ausschusses des Bundesrates (Auszugsweise Darstellung). Available online at http://www.parlament.gv.at/PAKT/VHG/BR/IV-BR/IV-BR_00062/fname_294038.pdf , (accessed 29/06/2014).

Panke, Diana (2010a): Small states in the European Union. Coping with structural disadvantages. Farnham, Surrey, England, Burlington, VT: Ashgate.

Panke, Diana (2010b): Small states in the European Union: structural disadvantages in EU policy-making and counter-strategies, *Journal of European Public Policy*, 17:6, 799-817.

Parliament of Denmark (2013): The Danish Parliament's opinion on the Commission's proposal for a revision of the Tobacco Products Directive - COM (2012) 788, (accessed 22/07/2014).

Parliament of Romania (2013): Reasoned Opinion concerning the Proposal for a Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products. Available online at <http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20120366/rocam.do>, (accessed 22/07/2014).

Parliament of the Czech Republic (3/22/2013): 162nd resolution of the senate. Available online at

file:///C:/Users/Cornelia/Downloads/Final%20statement%20of%20the%20Czech%20Senate_N%200019%2009.pdf, (accessed 22/07/2014).

Polish Senate (2013): Opinion of the European Union Affairs Committee of the Senate of the Republic of Poland on the proposal for a directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products COM(2012)788. adopted at the sitting of 6 February 2013.

Powell, G. Bingham (2000): Elections as instruments of democracy: majoritarian and proportional visions. New Haven: Yale University Press.

Riksdag Committee on Health and Welfare (2013): Reasoned opinion 2012_13_SoU17 COM(2012) 788.

Romanian Senate (2013): Opinion of the Romanian Senate. Proposal for a directive of the European parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products. COM (2012) 788 final. Available online at <http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20120366/rosen.do>, (accessed 25/06/2014).

Schalk, J., R.; Torenvlied, J. Weesie,;F. Stokman. (2007): The Power of the Presidency in EU Council Decision-making. *European Union Politics* 8.2: 229-50.

Slovak Republic (2010): Statement on public consultation DG SANCO in matter of possible revision of guideline 37/2001 on production, marketing and selling of tobacco products. Available online at http://ec.europa.eu/health/tobacco/docs/contribution_slovakia_en.pdf, (accessed 28/06/2014).

Slovenian Ministry of Health (2010): Health and Tobacco. Electronic contribution - rec. 260. Available online at http://ec.europa.eu/health/tobacco/docs/contribution_slovenia_en.pdf, (accessed 15/07/2014).

- Slovenian National Assembly (2013):** Position. 53rd meeting of 1 March 2013 the Committee on EU Affairs of the National Assembly of the Republic of Slovenia. Available online at <http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20120366/sizbo.do> (accessed 22/07/2014).
- Spanish Ministry of Health (2010):** Contribution Spain. Available online at http://ec.europa.eu/health/tobacco/docs/contribution_spain_en.pdf, (accessed 20/07/2014).
- The future Irish, Lithuanian and Greek Presidencies (2012):** 18 month programme of the Council (1 January 2013 - 30 June 2014). Council of the European Union. Brussels (17426/12). Available online at <http://www.sam.lt/index.php?2685152434>, (accessed 08/07/2014).
- The Irish Times (2013a):** 'Black ops' strengthen resolve of Reilly and European Commission to push through tobacco reforms. Available online at <http://www.irishtimes.com/news/health/black-ops-strengthen-resolve-of-reilly-and-european-commission-to-push-through-tobacco-reforms-1.1415826>, updated on 6/4/2013, (accessed 05/08/2014).
- The Irish Times (2013b):** Plain cigarette packets to be introduced. Available online at <http://www.irishtimes.com/news/health/plain-cigarette-packets-to-be-introduced-1.1408747>, (accessed 26/07/2014).
- Thomson, Robert (2007):** Time to Comply: National Responses to Six EU Labour Market Directives Revisited. In *W. European Politics* 30 (5), pp.987–1008.
- Thomson, Robert (2011):** Resolving controversy in the European Union. Legislative decision-making before and after enlargement. 1st published. Cambridge: Cambridge University Press.
- Thorhallsson, Baldur (2006):** The Size of States in the European Union: Theoretical and Conceptual Perspectives. In *Journal of European Integration* 28 (1): 7-31.