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ASSESSING INFLUENCE AND POWER:

Within the EU-member states relations, what explains variation in the extent to which EU member states can influence the EU's position in international trade negotiations?

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*Omnium hominum quos ad amorem veritatis
natura superior impressit hoc maxime interesse videtur:
ut, quemadmodum de labore antiquorum ditati sunt,
ita et ipsi posteris prolaborent,
quatenus ab eis posteritas habeat quo ditetur.*
Dante Alighieri

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INTRODUCTION

This research focuses on the relations between the European Commission and the European Member States during the negotiation of International Agreements. In particular, the objective is to define whether or not there exists some positive correlation between the quality of National Administration of a member state and its ability to influence, according to its policy preferences, the European policy position in a given case of trade negotiations. In order to do so, the following research question has been formulated: “Within the EU-Member States relations, what explains variation in the extent to which EU Member States can influence the EU’s position in international trade negotiations?”.

Unfortunately, the academic literature insisting on the role of the national public administrations with respect to European policy-making is rather scarce. On the one hand, the existing literature on European policy-making is primarily concerned with the regulatory aspects of internal processes and with the bargaining strategies applied during Intergovernmental Conferences and/or Council meetings. These studies, such as the “European Union Decides” by Arregui and Thompson (2009), suggest that the two main drivers of bargaining success in the intergovernmental conferences are the capacity to maintain strong network relations with other members and the capacity to prioritize issues under negotiation. Indeed, this approach does not pose much attention on the role played by National Administrations but, evidently, it is within these structures that the capacity to build networks as well as the formulation and prioritization of policies are developed. On the other hand, studies focusing on the role of the national public administrations, pertaining to the Comparative Public Administration research domain, mostly resulted in the assessment of the ability national public administrations to ‘contract’ EU legislation. Provided that the objective of this research is to define a correlation between the quality of the national public administration of a member state and the degree of influence it is able to exert on the EU policy position, implying the ability to ‘forward’ policy preferences to the EU level of policy-making, the approach of the studies does not fit the theoretical framework of this dissertation. Perhaps, the research is aimed at providing an answer to the research question testing the following hypothesis: “The higher the administrative capacity of a European member state, the greater is its influence on the EU’s position in international trade negotiations”.

In this respect, the first Chapter of this dissertation is dedicated to the description of the legal framework regulating the negotiation and the conclusion of international trade agreements to which the European union is part, and to the detailed description of the available literature concerning both national administrations and European trade policy-making. Indeed, in order to build a model applicable to the study of the role of national public administration in the process of EU trade policy derivation, the peculiar nature of which implies external, Commission-led negotiations, an unbiased understanding of the relevant European legislative framework as well as the consideration of the models already applied at the state of the art are required. The research areas which contributed the most to the development of the methodology applied in this research have been identified as Comparative Public Administration, International Political Economy, and International Negotiations Theory.

The second Chapter consists in the development of the theoretical model applied in this study. Here, the definition of administrative capacity is explored in the literature and then provided through the identification of its indicators, relevant to the exertion of influence on the European trade policy position. These indicators have been found in the ability of a national public administration to derivate a position with prioritized policy issues, to monitor the Commission in its autonomous prerogatives and to apply successful bargaining strategies in the course of intergovernmental conferences and Committees meetings. The last section of this theoretical chapter is dedicated to the derivation and the contextualization of the hypothesis with the framework described above.

In the third Chapter, the research shifts from the description of the theoretical to the description of the methodological framework applied in the study of the member states-Commission relations. The methodology applied to test the hypothesis consists in the application of a comparative model to a case study concerning the performances of four countries in a given case of trade negotiations, namely the CETA. In order to provide an unbiased understanding on such performances, countries were sampled keeping constant factors such as their voting power in the Council, the size of their economy and their date of accession in the European integration process. In the first place, the four countries were compared according to their degree of administrative capacity, concerning those activities relevant to the exertion of influence on the EU trade policy position, and marked with either a high

or low degree of administrative capacity. Then, the degree of influence exerted by the different countries has been assessed observing the distance between their domestic policy positions and the EU policy position, taking into account the degree of saliency attributed to policy issues by the member states. The results, in the form of nominal values, allowed to rank countries according to the degree of influence they have exerted on the EU trade policy position in the CETA trade negotiations. If the countries found with a higher degree of administrative capacity were also found having exerted a higher degree of influence on the EU trade policy position, the hypothesis will be confirmed.

In this respect, the fourth and last chapter illustrates the findings obtained by applying the comparative method described in the previous paragraph. The discussion on the findings starts with a comparison of the member states performances with respect to the indicators provided for administrative capacity. Then, follows the assessment of the member state performances concerning the degree of influence they were able to exert on the EU trade policy position for CETA negotiations. Finally, the findings on administrative capacity and influence will be compared in order to ascertain whether or not there exists some positive correlation between the administrative capacity of a member state and its ability to exert influence at the EU level of the trade policy-making process.

This research was inspired by the perception that the human resources, the organization, and the structures with which a member state equips its permanent representation to the EU institutions in Brussels are key factors for the successful enforcement of domestic policy objectives in the European policy agenda. Indeed, the findings confirm the hypothesis that among countries very similar in terms of voting power, size of the economy and date of accession to the Union, the variation in the degree of influence they are able to exert can be explained by the quality of their administrative structures.

1.1 COMMON COMMERCIAL POLICY: A ‘NOT-SO-ORDINARY’ LEGISLATIVE PROCEDURE

The aim of this dissertation is to explore dynamics of European trade policy as derived in the institutional structure of the EU. In this respect, a detailed knowledge on the institutional procedures governing the derivation of this policy is pivotal to the proper understanding of its peculiarities.

The Treaty on Functioning of the European Union (TFEU) definitively placed European Common Commercial Policy (CCP) under the exclusive competences of the European Union, governed by the Ordinary Legislative Procedure (OLP). Article 207 comma 1 and 2 of the TFEU recites “[...] *The Common Commercial Policy shall be conducted in the context of the principles and objectives of the Union's external action*”. “*The European Parliament and the Council, acting [...] in accordance with the ordinary legislative procedure, shall adopt the measures defining the framework for implementing the common commercial policy*”. Unfortunately, considering the external dimension of trade policy, entailing negotiations with third parties for the conclusion of International Agreements, the phrasing of Article 207 may be deemed incomplete in the description of EU trade policy derivation. Indeed, under “*TFEU, Part Five: External Action by the Union – TITLE: IV: Restrictive Measures*”, Article 218 TFEU clarifies the procedures to be applied for the conclusion of International Agreements: “*The Council shall authorise the opening of negotiations, adopt negotiating directives, authorise the signing of agreements and conclude them*” (Art 218-2 TFEU). “*The Council may address directives to the negotiator and designate a special committee in consultation with which the negotiations must be conducted*” (Art 218-4 TFEU). “*The Council, on a proposal by the negotiator, shall adopt a decision authorising the signing of the agreement and, if necessary, its provisional application before entry into force*” (Art 218-5 TFEU). “*The Council, on a proposal by the negotiator, shall adopt a decision concluding the agreement*” (Art 218-6 TFEU). “*The Council shall act by a qualified majority throughout the procedure*” (Art 218-8 TFEU). “*The European Parliament shall be immediately and fully informed at all stages of the procedure*” (Art 218-10 TFEU). “*A Member State, the European Parliament, the Council or the Commission*

may obtain the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the Treaties” (art 218-11 TFEU). As the OLP imposes, an international Agreement in order to be signed by the Commission has to be approved by the Council as well as the European Parliament.

Articles 207 and 218 highlight the fact that the CCP is “approved” or “enforced” supranationally under the OLP, but also that the process behind its derivation is mainly conducted at the intergovernmental level, within the comital structure of the Council. Thus, in order to properly understand the European CCP, more questions need to be answered. What are the means available to the Member States for the enforcement of their own preferences in the negotiating directives? What is the Special Committee nominated by the Council for consultation? How does the Council interact with the Commission (the negotiator) during the negotiations?

In order to answer these questions, it is useful to start from the role and composition of the committee cited in Article 218 (TFEU), namely the Trade Policy Committee (TPC), also known as Article 133 Committee¹. The committee advises and assists the Commission in negotiating agreements with third countries, and acts as one of the preparatory bodies in the decision-making process of the Council. The TPC is chaired by the rotating presidency of the Council and its secretariat is provided by the Council Secretariat. It meets once a month in its “full members” configuration and once every 6 months for an “informal meeting” in the country that holds the presidency. In Brussels, deputies of the TPC meet once a week. In addition to the aforementioned “formal” meetings, in the recent past it has been increasingly the case for the Commission to organize “Informal Technical Meetings” (Adriaensen, 2014). These meetings are not organised within the comital structure of the Council but are rather an instrument applied at the discretion of the Commission, to discuss and coordinate CCP technical issues. The frequency of these meetings, targeted to specialized staff of the relevant National ministries, range between 2 and 5 per month. As a matter of fact, scores of attendance to these meetings are considerably lower than scores of attendance in the formal meetings (Adriaensen, 2014).

¹ Referring to the usual denomination attributed to the Trade Policy Committee before the entry into force of the TFEU, when the Common Commercial Policy was regulated by the *Treaty establishing the European Community (Nice consolidated version)* - Part Three: Community policies - Title IX: Common commercial policy - Article 133.

Observing the TPC and the Informal Technical Meetings, the above questions can find an answer. During these Meetings, delegates of national governments have the chance to signal the Commission with their preferences, to gain information on other Member States' preferences, to receive adjournments by the Commission on the status of negotiations. This formal and informal comital structure can be defined as the bargaining arena for the Member States, where national trade policy interests and objectives are forwarded and represented by the delegates.

Anyway, Member States Governments' are not the only actors in trade policy-making. Societal Actors, such as Labor Unions, Non-Governmental Organizations (NGOs), Lobbies, Groups of Interest, also want to have their say in the process behind the conclusion of an International Trade Agreement. These actors can exert their both at the national and at European policy-making level. For what concerns trade policy-making at the European level, these actors have two channels to acquire information and signal their preferences. The European Parliament, where the political interests of Civil Society are discussed and protected on a continuous basis, and the ad-hoc meetings organized by the Commission to acquire information from societal actors on specific issues. For the sake of transparency, in parallel to these meetings the Commission regularly publishes European Position Papers, Proposed Text(s) of the Agreement, Reports of Negotiations, Impact Assessments, Factsheets and Background Papers. On the other hand, at the national level of policy-making, the nature of Civil Society-Government relations can vary from country to country according to the structures of their domestic administrations.

1.2 STATE OF ART: LITERATURE IN EUROPEAN TRADE POLICY

In the field of European trade policy-making, this research concerns the relations between the Commission and the Member States, represented in the Council, during the negotiation of International Agreements. Peculiarly, my objective is to define whether or not there exists some positive correlation between the quality of the national administration of a member state and its ability to influence the European trade policy position in a given case of trade negotiations. Unfortunately, the academic literature insisting on the role of national administrations in European policy-making is scarce (Adriaensen, 2014).

Since the first establishment of the Common Commercial Policy, under the Treaty of Rome (1957), the European Commission has represented the European member states in international trade negotiations for the last 60 years. During the years, the European Union has been part to a number of trade negotiations, at the WTO (previously GATT²) level, at the bilateral and at the regional level. Given the size and the nature of the European market, the EU has been a key player in these negotiations (Dur, 2006). An example of the impact of the European Union as a single negotiator in international trade negotiations are: the Kennedy Round of negotiations (under the GATT), which was primarily focused on the lowering of European Economic Community's new common external tariff (Dur, 2006); the negotiations of the Tokyo Round (under the GATT), which were dominated a US-EU duel on non-tariff barriers (Dur, 2006); and the Uruguay Round of negotiations (under the GATT), with EU's Common Agricultural Policy as main item on the agenda (Dur, 2006). If, on the one hand, it is true that the European Union consistently impacted the international trade negotiations, on the other hand, it is also true that the results of these negotiations have in turn influenced the European Union (Dur, 2006). International negotiations played a key role in the process of lowering EU' external tariffs and in the development of market regulation. Notwithstanding the evident reasons to develop an interest on the study of the EU as an actor in international trade negotiations, it is remarkable how little research has been undertaken on the EU's role in international trade negotiations (Dur, 2006). Until the 1990s, only legal analyses and overview studies on the result of negotiations were available in the academic literature concerning EU trade policy.

Anyway, the available studies focusing on the member state-Commission relations with respect to trade policy are pertain to the following research areas: International Political Economy, Comparative Public Administration and International Negotiation theory.

1.2.1 INTERNATIONAL POLITICAL ECONOMY

One of the leading schools in the literature on the Member States-Commission relations in the field of European policy-making is "International Political Economy". The studies pertaining to this school are mainly concerned with

² General Agreement on Tariffs and Trade

International Trade and, with respect to European trade policy-making, have been carried under the ‘Rational Choice institutional perspective’. The following debates appear to be recurring in the aforementioned literature, and provide the point of departure for the development of a methodology consistent with the scope of this research.

The first debate concerns the European Union, its prerogatives and the role it plays as an external, autonomous actor (Damro 2012; Meunier and Nicolaidis 2006; Orbie 2011; Zimmermann 2007; in Adriaensen, 2014). In this respect, studies focusing on the EU policy-making process started to flourish only recently and are mainly conducted applying the ‘three-level game’ approach. The three-level game approach was firstly developed by Lee Ann Patterson, in her study “*Agricultural Policy Reform in the European Community: A Three-Level Game Analysis*” (1997) as an “expansion” (Collinson 1999; Larsén 2007) of the ‘two-level game’ approach developed by Robert Putnam (1988). The ‘two-level game’ approach focuses on the interplay between the domestic and the international levels in the conclusion of International Trade Agreements. For obvious reasons, namely the absence of the EU level in the conceptualization of this game approach, this method is not directly applicable to the scope of this research, but it nonetheless represent the starting point for the development of a consistent approach to the study of European trade policy-making. A decade after the publication of the study by Robert Putnam, Patterson finally provided for an approach attentive to the three game levels entailed in the conclusion of International Trade Agreement to which the EU is a signing party. This method conceptualize three levels (stages) of European trade policy-making, namely the National level, where national policy position are developed; the European level, where the member states agree in the Council on a compromised common policy position and delegate negotiating powers to the Commission; and the International level, where the Commission autonomously carries negotiations for and conclude international agreements with third parties. The approach used by Patterson is a good starting point for the development of the methodology applied in this research. For the purpose of this study, the international level (third stage) of the ‘three-level game’ approach, will be considered as exogenous and not taken into consideration. Anyway, a methodology focused on the two levels of policy-making, namely the national and the European levels, guarantees an accurate inspection of the factors

influencing the degree of influence exerted by the member states on the EU' trade policy position.

The second central debate of International Political Economy concerns European policies (Sbragia, 2010; Young and Peterson, 2006; in Adriaensen, 2014), and the process behind their derivation. The leading studies within this debate are provided by Meunier (2005)³ and Meunier and Nicolaidis (2005)⁴, describing the trade policy-making process of the Union as embedded in the EU institutional framework. Their approach is focused on the study of the evolution of the European Institutions from the Rome Treaty onwards, propaedeutic to grasp the evolution of the European trade policy-making process together with its implications. In "*Trading voices: the European Union in international commercial negotiations*" (Meunier, 2005), Meunier found that the negotiating position and performances⁵ of the EU varied according to the degree of integration achieved at the time of the negotiations. This method, the 'historical institutional' approach proposed by Meunier (2005), allows to account for the 'arena' in which policies are derived and enforced at the EU level, and to assess the scope for the development of the European institutional framework in the evolution of EU trade policy. This research, does not provide a detailed account of the historical evolution of the European institutional framework, rather the current institutional structure of the Union is considered as the sole environment for the collection of data. This erodes the historical validity of the methodology, which anyways maintains an underlying institutional perspective.

The third leading debate contemplated in the International Political Economy school concerns the 'drivers' behind the derivation of European trade policy (Adriaensen, 2014). This mainly pertains to the analyses of the relations between the member states and the European Commission (the Commission), in a context of delegation of competences, for the conclusion of international trade agreements. A predominant approach applied in the study of the member states-Commission relations is the Principal-Agent (PA) model, which explains the scope for, the dynamics and the consequences of power delegation (Kerremans, 2004; De Bièvre and Dür, 2005). The

³ Meunier (2005), *Trading voices: the European Union in international commercial negotiations*. Princeton University Press

⁴ Meunier, S., & Nicolaidis, K. (2005). The European Union as a trade power. *International relations and the European Union*, 12, 247-269

⁵ Kennedy Round: EC-US Negotiations on Agricultural Policy from 1964 to 1967; Uruguay Round: European Community(EC)-US Negotiations on Agricultural Policy from 1986 to 1993; EC-US negotiations on Public Procurement from 1990 to 1994; Transatlantic Open Skies Agreement Negotiations from 1992 to 2003.

PA model was firstly devised to serve economic studies and, with respect to political and social sciences, its application was firstly introduced in the United States with the research by Barry R. Weingast (1984), "*The congressional-bureaucratic system: a principal agent perspective (with applications to the SEC)*". Weingast applied the PA model in study of the relations between the US Congress and the US bureaucratic system, devising a valid methodological framework which, has been borrowed by EU scholars from the 1990s onwards and applied to the study of Council-Commission and/or member states-Commission relations (Adriaensen, 2014). Anyway, it is only recently that the PA model has been applied to the study of the EU trade policy derivation process (Adriaensen, 2014; De Bièvre and Eckhardt, 2011; da Conceição-Heldt, 2011; Kerremans, 2004) and its application has followed two different traditions (Adriaensen, 2014). The first tradition is characterized by an historical perspective, focusing on the shift in the distribution of trade competences between the member states and the Commission in the evolution of the EU institutional framework (Nicolaidis and Meunier 2012; Niemann 2011). In this respect, De Bièvre and Dur (2005) highlighted the fact that the more competences have been transferred to the EU level, the more the member states have guaranteed themselves with means of control on the Commission in order to avoid deviations, agency loss and reduce the structural information asymmetry. On the other hand, the second traditional application of the PA model in the field of EU trade policy is focused on Member States-Commission relations as embedded in the present institutional framework, where the interactions between these two actors is explored to assess the ability of the member states to exert control on the Commission and the room of maneuver enjoyed by the Commission in acting autonomously (da Conceição-Heldt 2010, 2011; Kerremans 2004, 2011; Meunier and Nicolaidis 2006; in Adriaensen, 2014). Unfortunately, the literature built on this tradition of the PA model envisages the member states to be considered, as a 'single' (represented by the Council) rather than 'collective' principal. This implies that the analyses of the principal' ability to exert control on the agent is carried on the Council as a unit, rather than on the individual member states. Indeed, the main focus of the Rational Choice Institutional perspective of International Political Economy is the role of international institutions and not that of national public administrations, which are at the centre of this study.

Having listed the most relevant methodological approaches offered by this school, it is useful to summarize the effective contributions provided by the studies of International Political Economy to the framework applied in this dissertation.

The studies contributing to the debate on the role of the European Union, the first debate outlined above, provided a twofold input to my methodology. In the first place, the EU, represented by the Commission, will be considered as an external and autonomous actor (Damro 2012; Meunier and Nicolaidis 2006; Orbie 2011; Zimmermann 2007) with respect to the member states. Moreover, the Member States-Commission relations will be framed in a ‘two-level game’ in the derivation process of the EU trade policy position. Within this two-level game approach, the two levels are the National level and European level, as in the ‘three-level game’ approach developed by L.A. Patterson (1997), leaving the third level unexplored, as considered external to the scope of this research.

The literature⁶ developed around the second debate, concerning European policies and their evolution with respect to the evolution of the EU institutional framework, is of minor relevance to the methodology applied in this dissertation. Nonetheless, this literature is still able to provide a relevant framework for the analyses of the current functioning of the EU institutions and policy-making procedures, leaving aside the comparison with previous decisional structures which are out of the concerns of my research question.

The third debate in the Rational Choice perspective of International Political Economy is the one providing the greatest contribution to the methodology applied in this research. In particular, the traditional applications of the PA model, outlined above, are of great interest. The study of the member states-Commission relations, with respect to the control abilities of the former and the room of maneuver enjoyed by the latter in a context of delegation, is of inspiration for the application of the PA model as devised for the scope of this study. The PA model guarantees a framework for the analysis of the distribution of competencies and allows for the conceptualization of factors such as ‘information asymmetry’ and ‘monitoring capacity’, which are of primary relevance to this research.

⁶ See Note 3 and 4.

Unfortunately, the methods provided by the three relevant debates discussed the literature of International Political Economy share the same grounds of incompatibility with this dissertation. Substantially, none of the approaches provided by this school accounts for the role individually played by the member states, not to mention their national administrations and bureaucratic systems. Rather, the object of International Political Economy studies is the role played by the Council, which is recognized as the principal in the PA model. This impedes the assessment of the individual performance of the member states in the process of derivation of the EU trade policy position. For this reason, it is useful to explore the literature of Comparative Public Administration, which provides a framework for the assessment of the role of domestic public administrations in the EU policy-making process.

1.2.2 COMPARATIVE PUBLIC ADMINISTRATION

The earliest application of methods of Comparative Public Administration to the field of EU policy dates back to the early-2000s. The first thread of studies pertaining to this category have focused on the analysis of the different administrative models applied by the member states to coordinate their domestic positions (Adriaensen, 2014). The most prominent publications in this respect are “*The National Co-Ordination of EU Policy: The Domestic Level*” (Kassim, Peters, and Wright 2000) and “*The National Co-Ordination of EU Policy: The European Level*” (Kassim et al. 2001), which provides a comparison of the coordination procedures applied by the member states both from the domestic and the European perspective. In these twin publications, the member states were classified along two dimensions. The first dimension is represented by the ‘degree of centralization’ of the national administration. In this respect, is it considered the presence of specialised institutions responsible for coordination within the central government. The second dimension is structured upon the ‘coordination ambition’, which refers to the member states willingness to coordinate a position on a wide range or rather on a limited number of issues. The dimensions around which Kassim, Peters and Wright (2000) and Kassim et al. (2001) classified the member states are not directly applicable the purpose of this study. Notwithstanding that, the analysis and the comparison of their coordinating procedures is of secure interest in the development of a model suitable to the research problem studied in this dissertation. Indeed, it allows to account for

the quality of domestic administrative and bureaucratic structures and the relative performance of individual member states.

The second application of the methods of Comparative Public Administration on EU policy issues is focused on the study of the effects of the accession to the European Union on the national administrations of the new members. In *“The national impact of European Union regulatory policy: Three Europeanization mechanisms”* published by Knill and Lehmkuhl (2002), these effects are explored with respect to the process of ‘adaptation’ to a multi-level policy-making system⁷. In this study, the ‘harmonization process’ of national law and procedures, and the consequential (diminishing) diversity among the member states, is considered as the dependent variable, explained by the pressures associated with accession to the EU (Knill and Fellésdal, 2001). This framework is built upon the assumption that national administrations adjust themselves to the European context, with the purpose of increasing their ability to either implement European legislation in the national systems (Börzel, Hofmann, and Panke 2012; Börzel et al. 2010; Falkner, Hartlapp, and Leiber 2004; Falkner and Treib 2008; König and Luetgert 2009), or to upload domestic preferences to the European level (Börzel 2002). These findings highlighted the fact that the pace at which European legislation is transposed into the domestic legal framework of a member state is positively correlated to the “policy fit between EU and national policies and the related lack of political willingness” (Börzel 2002; Giuliani 2003; Knill and Lenschow 2001).

Coming back to the methodological approach of this research, the contributions provided by the Comparative Public Administration theory are evident, but again not sufficient for a complete assessment of my research problem. The major virtue of the approaches outlined above lies in the conceptualization of the Council, which has been finally “unpacked” (Adriaensen, 2014). The Council is not perceived as a single actor as in the PA model of International Political Economy, but rather the member states are recognized as a multiplicity of actors convened in the Council. Moreover, provided the necessary distinction between the actors convened in the Council, methods of Comparative Public Administration permit the assessment of the abilities of national administrations and of their role in the EU policy-making process. Overall, the approach provide a solution to the problem concerning the

⁷ European and National levels of policy-making.

conceptualization of the Council but, unfortunately, it does not satisfy the needs of the research problem of this study. Indeed, the literature of Comparative Public Administration is composed of a limited number of case studies, concerned with narrow scopes, often limited to a single and specific policy area (Knill and Lenschow, 1998; Haverland and Liefferink, 2012). In addition, Comparative Public Administration studies are focused on the ability of national administrations to ‘receive policy inputs’, namely to contract EU legislation rather than their ability to forward ‘policy inputs’ to the EU level of policy-making.

1.2.3 INTERNATIONAL NEGOTIATIONS THEORY

The methodological approaches applied in the domain of International Negotiation Theory to the study of the Member States-Commission relations, with respect to European policy-making, have focused on the following issues: the nature of the interactions among the member states in the Council, the strategies applied within these interactions, and the policy outcomes.

The first tradition studies the nature of member states interactions in the Council. The two most relevant works within this tradition are provided by Naurin (2009), and Elgström and Jönsson (2000). In its publication, *“Most Common When Least Important: Deliberation in the European Union Council of Ministers”*, Naurin (2009) researched on whether the interactions among the member states in the Council are more oriented towards problem-solving or distributive bargaining. His article studies the differences between ‘arguing’ (discussion on the merits) and ‘bargaining’ in the meetings of the Council Working Groups and Committees. The method applied consisted in the submission of a survey to member states representatives, aimed at assessing to what extent, under what circumstances and by whom, ‘arguing’ is used. Results of his study highlighted the fact that ‘arguing’ practices are common in the aforementioned meetings. More precisely, ‘arguing’ practices are found to be more frequently applied in discussion on intergovernmental policy areas and by the most powerful and well-connected member states.

Similarly, in the article by Elgström and Jönsson (2000) *“Negotiation in the European Union: Bargaining or Problem-Solving?”*, it is hypothesized that the nature of member states interactions varies with respect to different stages of policy-making. The authors assume that the member states can approach Council Working

Groups meetings either with bargaining or problem-solving attitude. Being the Council Comitital structure permanent and dominated by consensus norms, the nature of EU negotiations discourages the member states in assuming a tough bargaining behaviour. Indeed, evidences provided by this study show that most of the Council Working Groups and Committees meetings are approached by the members with a problem-solving attitude. Anyway, circumstances in which bargaining behaviour was found to be a widespread practice were those pertaining to domestically sensitive policy areas, and/or highly politicized issues. For this reason, Elgström and Jönsson (2000) argued that the modality of intra-EU trade policy negotiations is contextually determined, but that the general tendency consist in an increasing institutionalization of the problem-solving approach.

The second methodological tradition provided by International Negotiation theory focuses on the strategies applied in the EU negotiations, and more precisely in meetings of the comital structure of the Council. Dur and Mateo (2010), in their article “*Bargaining Power and Negotiation Tactics: The Negotiations on the EU’s Financial Perspective, 2007-13*”, explored different bargaining strategies and hypothesized that the actors most likely to pursue hard bargaining tactics in the Council negotiations are large member states, member states with a good alternative to the negotiated agreement, and member states facing domestic political constraints. This hypothesis was tested through the submission of a survey on the negotiations concerning the EU Financial Perspective (2007-2013) to high-level member states representatives. The findings evidenced that no substantial differences are present in the bargaining strategies applied by the member states, if not among new members and long-date members. Naurin and Wallace (2008), with their study “*Unveiling the Council of the European Union: Games Governments Play in Brussels*”, enriched the approach described above stressing the role of consensus in EU policy-making and the relevance of coalition building abilities of the member states.

The greatest contribution of this tradition to the method applied in this research is provided by Diana Panke (2010). In her article “*Small states in the European Union: Structural disadvantages in EU policymaking and counter-strategies*”, D. Panke (2010) builds a framework entailing both of the indicators of successful negotiating results, namely bargaining strategies and coalition building, conceptualized as ‘negotiating activities’ (Panke, 2010). Among the ‘negotiating activities’ provided by D. Panke, the following indicators are interesting cues for the development of the

methodology applied in this research: ‘institutionalized coordination’, ‘contacts to the commission’, and ‘prioritization of issues’.

Last but not least, the tradition of International Negotiation theory focused on the outcomes of negotiations. In this respect, the approach provided by Thompson and his colleagues (Thompson et al. 2006) in their milestone “*the European Union Decides*”, is structured upon the development of a database. providing for the saliency and the policy preferences attributed by each member state to the different policy issues subject to negotiations. Saliency and policy preference were then confronted with policy outcomes in order to estimate the distance between a given European policy and the policy preferences of a given member state. In this view, the approach of the masterpiece “*the European Union Decides*” (Thompson et. al., 2006), provides for the dowel filling the void left by the approaches applied by other schools.

Finally, in order to summarize the contributions of the International Negotiation theory, the following elements shall be considered. The first traditional approach of International Negotiations theory outlined above, focusing on the nature of interactions in the Council, permits the conceptualization of the Council as an ‘arena for distributive bargaining’. Publications pertaining to the second traditional approach, focusing on the strategies applied in the negotiations, provide for the indicators conceptualized as ‘negotiating activities’, entailing bargaining strategies and coordination, which represent the ‘signalling instruments’ of the member states. To conclude, the study by Thompson and its colleagues⁸, approaching to the study of EU Negotiations focusing on policy outcome, contributed to the development of the methodological framework applied in this research providing for the analysis of the degree of salience attributed to different policy areas, of the policy preferences of the member states and on the distance between policy preference and policy outcomes. Also, it raises questions about the possibility for the member states to actively affect that distance, investing resources in the pursuit of this aim.

Having considered models provided under the three main research areas exploring the European Union-Member States relation, it seems that none of these models fits the Research Question. For this reason, the model applied in this research is built upon the line of reasoning outlined by Adriaensen in “*Politics Without Principals*”

⁸ Thompson et Al. 2010

(2014). Provided that the research question of this study, “*Does a member state’s administrative capacity affect the amount of influence obtained at the European level?*” (Adriaensen, 2014), is consistent with the research question of this dissertation, Adriaensen’ model has been considered as the most the most suitable to apply in this research. Adriaensen decided built his methodological framework borrowing insights from each of these research domains. From the school of International Political Economy, he borrowed the application of the Principal-Agent model and the conceptualization of the role of the Commissions. As outlined above, scholars of International Political Economy perceives the EU as an external actor. Provided that negotiations for the conclusion of International Trade Agreements are Commission-led, it is useful to consider the Commission as an independent actor and to apply the PA model in the study of Member States-Commission relations. Problems with International Political Economy concerned the scarce attention dedicated to the Member States and their national administrations since they were mainly protracted as a collective actor (E.g. the Council). For this reason, Adriaensens’ conceptualization of the member states was borrowed from Comparative Public Administration studies. In this way, the assessment of the “*Administrative Capacity*” (Adriaensen, 2014) of the individual member states was made possible. Finally, International Negotiation theory was the last field to borrow from. The outcome-based approach and the study of “negotiating activities” are surely the most consistent approaches with the study of Member States-Commission relations. These approaches permit to assess the level of satisfaction of Member States with policy outcomes and the strategies applied in order to make these outcomes satisfactory with respect of their own preferences.

CHAPTER 2: THEORETICAL FRAMEWORK

The Research Question behind this dissertation, “*Within the EU-Member States relations, what explains variation in the extent to which EU Member States can influence the EU’s position in international trade negotiations?*”, derives from the assumption that different member states achieve different degrees of success in shaping EU’s trade preferences. Under this assumption, it might be in the interests of the member states to understand how to positively affect their own ability to exert influence in this policy domain (e.i. trade policy). That is because, given the presence of great asymmetries in the structure, in the functioning, and in the constellation of interests characterizing the member states’ economies, International Trade Agreements might be perceived as having different impacts in different countries, as well as different degrees of appreciation by different groups of interest. In this scenario, the objective of an efficient national government is to pursue its “optimal policy position”, in other words, to pursue the outcome bringing “the greatest happiness to the greatest number” (Downs, 1967), in the interest of its constituency. Provided that the European Union is composed of 28 member states, and that each of the 28 governments bargains in the institutionalized structure provided for trade policy under EU Law, the understanding of the means and strategies employed by the member states to pursue their interest is of primary relevance in the study of the EU trade policy-making process.

The means applied by the member states in the development of EU position in trade negotiations are disposed by their administrative and bureaucratic apparatuses. The delegates, the experts, the representatives, and the “ad hoc” institutions created for the purpose of coordinating this personnel, are employees and/or organs of the administrative apparatus of a country. Under this assumption, it is possible to understand how the Administrative Capacity of the member states’ national administrations can play a decisive role in the EU policy-making process.

Anyway, in order to provide a clear understanding of such a role, the definition and conceptualization of Administrative Capacity need to be provided. To this aim, the section below provides for an overview of the literature concerning the provision of a definition to the concept of Administrative Capacity. Then, the chapter focuses on the conceptualization of Administrative Capacity as suited to the scope of this research. The conceptualization of this concept will be carried through the

identification of factors of Administrative Capacity functioning as proxies in the correlation between Administrative Capacity and the degree of influence exerted in the European trade policy. Finally, the subsections of this Chapter are dedicated to the in-depth review of the distinguishing features of these indicators and to the role they play in the hypothesized positive correlation between Administrative Capacity and influence.

2.1 DEFINITIONS OF ADMINISTRATIVE CAPACITY

Administrative Capacity is, indeed, a commonly applied concept in the literature of Comparative Public Administration. Nevertheless, a clear and shared definition of the concept is still lacking in the state of art. In this respect, the definitions provided can be distinguished in two categories. On the one hand, there are the broad definitions, not applicable to empirical studies and, thus, of secondary relevance to the scope of this research. To this category, I attach the definition provided by Jänicke (2002), which describes administrative capacity as “*the ability to perform functions, solve problems, set and achieve objectives*” as well as the definition provided by The United Nations Development Program, defining administrative capacity as “*the ability of individuals and organizations or organizational units to perform functions effectively, efficiently and sustainably*” (UNDP, 2006). On the other hand, there are the specific definitions, which rely on specific indicators and proxies. Definitions attached to this category were devised to be applied in specific empirical studies and, for this reason, fail to provide a “ready-to-go” solution for the development of a theoretical interpretation of administrative capacity consistent with this research. An example of these specific definitions can be found in the study by Börzel et al. 2010, “*Obstinate and Inefficient: Why Member States Do Not Comply With European Law*”. In order to provide a definition of Administrative capacity, Börzel et al. 2010 referred to indicators (proxies) such as the GDP per capita and the general assessment on the administrative efficiency of the member states (Börzel et al. 2010). Other scholars included proxies such as the number of staff in the permanent representation (Damonte and Giuliani 2012; Giuliani 2003; Kassim et al. 2001), budget of responsible line ministries (Panke 2011) and general ‘government effectiveness’ indicators (Panke 2012). The proxies of administrative capacity identified in these studies represent a good point of departure for the development of a definition suited to this dissertation. Unfortunately, even combining the indicators

provided for in the academic literature, the resulting definition would still be not completely satisfactory. That is because the enumerated definitions were applied to studies not concerned with the role played by national administrative structures in the formulation of European trade policy. As outlined above, the proxies used in the development of these definitions remain strictly correlated to the purpose of the studies they have served. Moreover, the aforementioned studies have been often applied to ascertain and compare the ability of member states' national administrations to interiorize European legislation, that is, to "receive inputs" from the EU level of policy-making. From a theoretical point of view, the approach of this research is at the opposite. This research is focused on the ability of member states' national administrations to develop and "forward inputs" to the European level in the formulation of EU trade policy.

Exploring further in the literature, an attempt to build an all-encompassing definition of Administrative Capacity was made by Simona Milio (2007) in "*Can Administrative Capacity Explain Differences in Regional Performances? Evidence from Structural Funds Implementation in Southern Italy*". In order to develop a definition, Milio (2007) suggests for the incorporation of both an assessment of the ability of an administration to carry specific functions and the goal the administration is trying to achieve in carrying those functions. Adriaensen (2014) followed the same line of reasoning in "*Politics without principals: National Trade Administrations and EU Trade Policy*", defining administrative capacity as "*the ability of a member state to monitor the Commission and accurately derive its own preferences in policy discussions*" (Adriaensen, 2014).

In order to derive a definition of administrative capacity compatible with the scope of this research, the logic of these two scholars will be followed. At this point, the ability of the member states to carry specific functions, the functions, and the objective motivating this mobilization need to be identified. The objective of a member state national administration, is to influence the trade policy position of the Union. On the other hand, the identification of the abilities and the functions carried by national administrations to this end is a more complicated process. To discover the indicators of Administrative Capacity consistent with the objective cited above, the following question should be answered: Which functions carried by national

administrations may be positively correlated to the degree of influence exerted on the European trade policy?

2.2 ADMINISTRATIVE CAPACITY AND INFLUENCE

TABLE 1

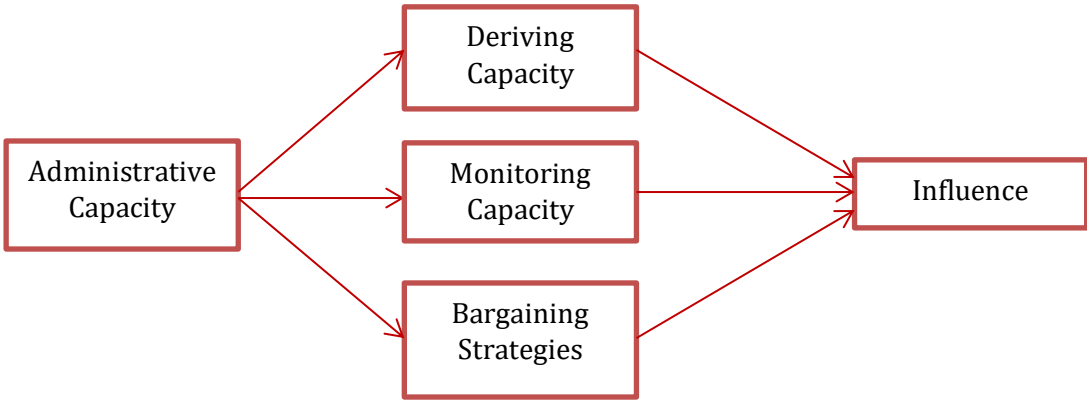


TABLE 1 highlights the linear, horizontal nature of the line of reasoning onto which the theoretical approach has been developed. In the process of defining administrative capacity, the research provides an account for the indicators consistent with the ability of a member state to influence the EU policy-making process according to its preferences only. The indicators concerned with the receptivity of European legislation of a national administration, frequently present in the literature on public administrations, will be substantially ignored. The indicators identified as proxies of the positive correlation between Administrative Capacity and the degree of influence exerted on the EU trade policy position are the following: Deriving Capacity⁹, Monitoring Capacity, and Bargaining Strategies. Let’s take a closer look on these indicators.

2.2.1 DERIVING CAPACITY

As a matter of fact, if a member state wishes to exert influence on the trade policy position of the European Union, it needs in the first place to have derived its domestic trade policy position. The domestic trade policy position should be devised as the ‘optimal policy position’ for the member state at question. The ‘optimal policy position’ will be defined as the policy position delivering the greatest happiness to the greatest number (Adriaensen, 2014). By contrast, the policy position of the

⁹ In the meaning of the term provided by Adriaensen in “Politics without principals: National Trade Administrations and EU Trade Policy” (2014)

European Union as a single entity may diverge on different grounds from the optimal policy position of an individual member state. Indeed, that is the reason providing member states with the motivation to mobilize resources to the effort of exerting influence on EU trade policy position, and the reason why ‘deriving capacity’ constitutes a solid indicator of Administrative Capacity for the scope of this research. Anyway, to proceed with the analysis, the following question must be answered. What determines the ability of a member state to derive a policy position as close as possible to its ‘optimal’ policy position?

In order to answer this question, that is, to assess the indicators of the ‘deriving capacity’ of a member state, the most logical approach suggests to depart from the assessment of the causes of inefficiencies and deviations precluding the achievement of the ‘optimal’ policy position. ‘Deriving capacity’ substantially consists in the ability to combine inputs – gathered both from public and private actors - into a policy position which satisfies the preferences of the greatest number of stakeholders possible. The main causes of limitations in the ‘deriving capacity’ of a member state, leaving aside exogenous factors such as corruption and political patronage, can be found in bureaucratic inefficiencies and/or in the lack of technical expertise. This suggests that the structures within which information is obtained – both from public and private actors – and processed, as well as the staff employed in this activities, are factors of primary relevance in the assessment of a member state ability in policy derivation.

Concerning the consultation among public actors (i.e. Ministries, Government Agencies etc.) in the domestic process of policy derivation, national administrations usually refer to the Ministry responsible for the policy area of the issue at stake. Anyway, trade policy is of a special nature and produces consequences affecting the responsibilities of a wide range of Ministries (Adriaensen, 2014) (e.g. Ministry of Foreign Affairs, Ministry of Agriculture, Ministry of Economics and Industry etc.). For this reason, the member states have different interpretations on where to allocate trade policy competencies. Allocating trade policy competencies in a Ministry rather than another affects the way in which information is gathered and the resulting prioritization of preferences (Allison and Halperin 1972; Jordana and Ramio 2003). For this reason, it will be maintained that the more Ministries are involved in the process of consultation, the higher will be the amount and the quality

of the information obtained. By contrast, it is also the case that the higher the amount of information, the more time and staff will be required to process information. This suggests that in order to profitably manage a higher amount of information, an efficient national administration must be able to coordinate its Ministries and Agencies accordingly. State Actors, Ministries and Agencies, coordinate themselves by mean of information exchange which can be of an 'active' or 'passive' nature (Schout, 1999). It is 'passive' when the responsible Ministry for trade policy does not actively consult other Ministries in the derivation of a policy position, which in turn have "to hunt around and to find out" (Schout and Jordan, 2008) information useful to participate in the policy derivation process. On the other hand, an 'active' exchange of information is found in the member states with a structured and institutionalized system of consultation between relevant ministries. It is to highlight the fact that despite the coordination ability of a given domestic administration, an oversupply of information severely limits a member state's deriving capacity, eroding its ability to exert control on the EU trade policy position (Adiraensen, 2014).

Concerning the interests and preferences of the Civil Society, the process of consultation applied by the national administrations follows a different path. In this respect, societal actors organize themselves under the form of interest groups, labour unions, trade unions etc., to be able to speak with a single voice in the interactions with the central authority. The organized groups of interest will provide the national administration with their general and/or specific preferences. Unfortunately, not all of the societal actors are equally able to overcome collective action problems (Adriaensen, 2014), as found by Woll (2008), which noted that small enterprises are practically absent from the consultation process embedded in the derivation of policy positions. He also observed that, even when participating in the policy process, small enterprises rarely engage in the derivation and signalling of their specific interest, preferring to emulate the positions of larger firms (Woll, 2008). Indeed, this kind of structural problems negatively affect the deriving capacity of a national administration. Oppositely, the specific nature of the cleavages around which societal interests are mobilized with respect to trade policy can be said to guarantee some continuity in the distribution of preferences, facilitating the policy derivation process. These cleavages can be factorial (e.g. concerning a specific product and/or resource) (Dutt and Mitra, 2006; Rogowski, 1987), sectorial (e.g. concerning a specific sector of the economy) (Hiscox, 2001; Ladewig, 2006), geographical (e.g. concerning a

specific region of the country) (Busch and Reinhardt 2000, 2005) or related to the expected costs and benefits of a specific policy (Chase, 2003; Dür, 2007b; Tovar, 2009). Given the nature of the interactions between Civil Society and the national administrations, it is of primary relevance for the State actors engaged in the derivation of domestic trade policy position to actively stimulate the participation of the most comprehensive set of societal actors possible. This is needed to ascertain whether interests shall be considered as broad or narrow, specific or general, and to guarantee the representation of the highest number possible of stakeholders.

With respect to the staff employed by national administrations, its quality and quantity play a leading role in the ‘deriving capacity’ of a member state. Human resources directly affect the ability of a national administration to gather and process information. As stated above, in order to be managed, the coordination between the central authority with public and private actors requires expertise. Information gathered from State actors, delivered by technicians and experts, can be processed only by trained staff. The same holds true for information gathered on preferences of the Societal actors, which can be product specific, sector specific or geographically specific. In addition, having described the difficulties and the obstacles obstructing the process of consultation, national administrations need to employ from the earliest stages of policy derivation a competent, staff equipped with specialized training and/or considerable experience.

Having explored the factors affecting the ability of a member state to derive a policy position as close as possible to the ‘optimal’ policy position, namely ability to gather and process information both from public and private actors, the following assumptions can be derived:

1. *The higher the Administrative Capacity of a Member State, the higher the quantity of public and private actors consulted by its central authority in the process of trade policy derivation.*
2. *The higher the quantity of public and private actors consulted by the central authority of a member state in the process of trade policy derivation, the higher the ability of this member State to derive a policy position and prioritize policy issues within this policy position..*

3. *The higher the ability of a member State to derive a policy position and prioritize policy issues within this position, the more the chances of this Member State to influence the EU trade policy position according to its preferences.*

TABLE 2



2.2.2 MONITORING CAPACITY

Monitoring capacity is a concept borrowed from the Principal-Agent model of International Political Economy. Applied to this research, it consists in the functions carried by a member state to ‘monitor’ the Commission in the process of derivation of the EU trade policy position for a given International Trade Agreement. In the words of Krause (2003), the simple act of monitoring does not produce adjustments on the Commission’s negotiating position, rather, it is a precursor to the potential application of control. Control, in this case, is to be understood in the light of the Principal-Agent model. By monitoring the Commission, the member states identify eventual gaps between their national policy position and what is being proposed by the Commission, on the basis of which they signal discontent or provide support to the Commission’ proposals.

In order to explore the concept of Monitoring Capacity, the following questions provide a good starting point for the development of a theoretical reasoning: What determines Monitoring Capacity of a member state? In which respect Monitoring Capacity is a precursor for the application of Control?

Prior to the provision of the answers to these questions, it is useful to remind some details of the Principal-Agent model and its application to the scope of this research. The Principal-Agent model is commonly applied to study chains of delegation. This model recognizes two actors. The principal, which needs a task to be performed but it is not in the conditions to carry the task itself, and the agent, to which the principal delegates the task to be performed and which is expected to carry the task in the interest of the principal. A peculiarity of this model is that the principal is not in the position to directly constrain the actions of the agent, as it can only provide the agent with inputs and carry ‘control activities’. Among the ‘control activities’ can be mentioned the monitoring of the actions of the agent and the provision of feedbacks

to the agent with respect to its performance (signalling). In this respect, the next paragraph outlines the application of the Principal-Agent model to the Member States-Commission Relations in the process of trade policy-making.

In the first place, the rationale according to which the member states delegate their authority is calculated on a cost-benefit analyses. The costs of delegation are represented by the possibility of the agent deviates from the interest of the principal (agency loss), and by the material costs to be carried in order to monitor and control the agent (agency costs). Oppositely, some of the benefits originating from the delegation of trade policy consist in the reduction of transaction costs (De Bièvre and Dür 2005), the increase in bargaining power resulted from pooling resources (Meunier and Nicolaidis 2006), the possibility to exploit the expertise and the network resources of an experienced agent (Billiet 2006), and the increased resistance to powerful domestic groups of interest (Woolcock 2005). The EU trade policy-making process requires two chains of delegation. The first entails a delegation of the national trade policy-making authority to the European Union and is a precondition for the existence of second chain of delegation. The second chain of delegation consists in the intergovernmental Council (Fabbrini, 2015) delegating the authority to conclude international agreements (negotiating authority) to the Commission (Meunier and Nicolaidis 1999), a supranational institution (Fabbrini, 2015). The second chain of delegation is central to the scope of this dissertation. Here, the Council can be identified as the principal, the Commission as the agent, and the conclusion of international agreements as the task delegated by the principal to the agent. Anyway, taking this perspective, it is not clear how the member states can be found exerting different degrees of control on the Commission, since they are part of a ‘collective principal’, the Council, which acts as a single entity. Indeed, the Council does not always act as a single entity and cannot always be considered a collective principal. To better grasp the meaning of this statement, the voting procedures of the Council need to be analysed.

Concerning decisions taken by the Council under the rule of simple majority, it is possible to consider the Council as a “collective principal”. That is because if a simple majority is required, the member states control on the Commission “can only be exerted through collective action in the Council” (Adriaensen, 2014). On the other hand, concerning decisions taken under the rule of unanimity, the Council has

to be identified as a “multiplicity of principals” (Adriaensen, 2014) rather than a collective principal. That is because unanimity rule provides each member state with the power to independently control the agent, namely to block or to provide support for the Commission proposal. Voting procedures under qualified majority rule produce a hybrid situation and thus a so-called “hybrid principal” (Adriaensen, 2014). Provided the different dynamics aroused by different voting procedures, it is also important to remember that the Council does represent the member states governments’, but it is also the political guide of the Union. As such, the Council is strongly adverse to the proliferation of discontent with respect to its procedures, having this already been cause to long political standstills¹⁰ undermining its integrity (Fabbrini, 2015). For this reason, it has been devised an informal norm of consensual decision-making on the most sensible policy areas (Kleine 2013; Meunier, 2000). Consensual decision-making entails the fact that the member states reach consensus on the proposals of the Commission at the informal level, before holding the formal voting procedures in the official meetings. Voting procedures permit to recognize the nature of the Council as principal, but are not sufficient to explain how the member states differ in term of exertion of control. Indeed, voting procedures relate only to the last step of the Member States-Commission relations, where the member states signal their discontent or provide support to the Commission proposal.

Recalling the Principal-Agent model, ‘control activities’ are the mean through which the principal ensures itself that the agent is acting on the behalf of its preferences. The simple fact that the task under question is carried by the agent and not by the principal itself lead to a situation in which the principal and the agent have access to different amounts of information. In other words, there is an ‘information asymmetry’ between the principal and the agent, where the agent enjoys an informational advantage, eventually representing an incentive to assume a shrinking behaviour (Pollack, 1997). Since this kind of information asymmetry is rooted in the very nature of delegation, and not linked to the performance of the national administration of a member state, it will be defined as ‘exogenous information asymmetry’ (Pollack, 1997). Given the fact that a certain degree of exogenous information asymmetry will always be present in the relation between a member state (principal) and the Commission (agent), monitoring activities are carried in order to limit the scope and the impact of the information asymmetry. This concerns

¹⁰ E.g. Empty Chair Crises

the ability to gather all of the available information at first hand, excluding filtered information contained in the Commission reports' and second-hand sources (obtained by other member states). A member state failing to obtain available information because of the disfunctioning or misfunctioning of its own national administration is affected in its ability to exert control on the Commission by 'endogenous information asymmetry' (Adriaensen, 2014). Monitoring the trade policy-making process at the EU level requires the participation of representatives in the relevant Council working parties (Nicolaidis, 1999; da Conceição-Heldt, 2010). Since the legal setting of trade policy making and its procedural rules create equal possibilities for the member states to obtain information, the possible causes in the different degrees of monitoring capacity achieved by the member states have been illustrated by Adriaensen as absenteeism in the oversight committees, quality of the human resources sent as delegates to these meetings and the ability to cross-check on the quality of information (Adriaensen, 2014). The legal framework of the Union provides for a wide arrangement of 'reporting occasions' through which information on the on-going negotiations can be gathered. The reporting occasions are devised as to be equally accessible by the member states, meaning that absenteeism must be attributed either to the scarce interest of a member state on a certain issue or to the disfunctions of its national administration. Reporting occasions are distributed according to the different phases of negotiations and are represented by the following meetings listed below.

The meetings of the Foreign Affairs Council-Trade Configuration (FAC Trade) are the most relevant among these occasions. The FAC Trade is the sole configuration of the Council presided according to the rotating presidency rule and not by the European External Action Service¹¹. As a consequence, the member state holding the Council Presidency is in the position to take the opportunity to set the agenda for the FAC Trade meetings. The agenda-setting power of the rotating presidency is also extended to the meetings of the Trade Policy Committee, which is the most relevant Working party of the Council with respect to trade policy. The FAC is the last institutional configuration in which the member states have the chance to influence the EU trade policy position. Its role in terms of preparatory work for the derivation of trade policy is limited to voting procedures concerning the final draft of the

¹¹ (<https://www.consilium.europa.eu/en/council-eu/configurations/fac/>)

‘negotiating mandate’ and the decision to sign International Agreements. Indeed, the greatest part of the preparatory work is carried elsewhere.

The par-excellence preparatory body of the Council, concerning trade issues, is the COREPER II. COREPER stands for “COmité des REprésentants PERmanents” and it is regulated by Article 240(1), TFEU. COREPER II meets once a week and its tasks consist in preparing and coordinating the work of the different Council configurations (economic affairs, foreign affairs, justice and home affairs etc.), ensuring consistency of the policies of the Union and searching for agreements and compromises among the member states¹². Anyway, trade policy issues have been found to rarely reach the agenda of the COREPER II as well as the agenda of the FAC.

The two most important working parties for trade policy issues are the Trade Policy Committee (TPC) and the Working Party on Trade Questions (WPTQ) (Adriaensen, 2014). The TPC is established by Article 207 TFEU and its tasks concern the preparatory work of the Council in the trade policy decision-making and the provision of advice and assistance to the Commission in negotiating trade agreements with third countries¹³. Deputies of the TPC meets once a week, the ‘full members’ configuration reunites once a month and, in addition to that, it meets once every 6 months for an informal meeting in the country holding the rotating presidency of the Council. Usually, policy issues in the agenda of the ‘full-members meetings’ are politicised and selective, because of the presence to these meetings of the Trade Director-General and of the member states top-level officials (Adriaensen, 2014). Conversely, the agenda of ‘deputies meetings’ usually concerns specific issues, approached with comprehensive discussions (Adriaensen, 2014).

The Working Party on Trade Questions (WPTQ) is of a slightly different nature. It serves as a forum for discussions concerning horizontal trade policy issues¹⁴. Since the implementation of the TFEU, the WPTQ gained prominence as the central working party for the discussion of policies falling under the OLP (Adriaensen, 2014). Indeed, the interaction between the member states and the European Parliament largely relies on the work of the WPTQ rather than on the work of the TPC. The TPC and the WPTQ are the two most important bargaining arenas for the

¹² (<https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/coreper-ii/>)

¹³ (<https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/trade-policy-committee/>)

¹⁴ (<https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-trade-questions/>)

member states trying to influence the Commission' policy position. Only if these working parties fail to reach an agreement issues are forwarded to the agenda of more political institutions, such as COREPER and the FAC.

In addition to the institutional setting described above, the Commission increasingly organises “Informal Technical Meetings” (ITMs) (Adriaensen, 2014). In these meetings the most specific issues concerning trade agreements, such as rules of origin, tariff schedules offered in trade negotiations, discussions on intellectual property rights, etc., are discussed. ITMs take place two to five times per month, and are usually organized to distress the agenda of the TPC from specific details of a Trade Agreement and to obtain consensus around on a number of secondary policy issues. These meetings are not part of the comital structure of the Council but, it is rather the Commission which enjoys full discretion on the agenda and the frequency of these meetings. The participants to which the Commission targets ITMs are officials and experts. This raise questions on the ability of a national administration to envoy experts prepared on the widest range of policy issues possible and equipped with working proficiency in the official languages of the Union, since the translation service is not available in these meetings. The outlined obstacles are severely detrimental to the level of attendance to these meetings. Anyway, absenteeism should be avoided for two reasons: firstly, because the Commission may discuss sensitive issues without having acknowledged in advance member states of this intention; Secondly, because the information gathered in these meetings are pivotal to the achievement of comprehensive monitoring activity. The Commission has found that during ACTA negotiations, some of the “member states did not take advantage of the opportunity to monitor the negotiations ad locum”¹⁵ (Commission, 2012). Anyway, it is the case for some member states to fail in the participation of these meetings because of the capabilities of their National Administrations. As described above, a fruitful participation to such meetings requires an adequate staff, both in terms of numbers and in the level of expertise. The member states have been found to be represented in institutional as well as informal meetings by staff with different backgrounds. Some of them are represented to such meetings by trade and economic experts, others by trained diplomats, others by some lower level official or even newly hired trainees with the tasks to take notes (Adriaensen, 2014). It is

¹⁵ Transparency ACTA negotiations MEMO/12/99 13/02/2012 Available at [http://europa.eu/rapid/press-release MEMO-1299_en.htm](http://europa.eu/rapid/press-release_MEMO-1299_en.htm)

consequential that the amount and the quality of information that representatives with different backgrounds are able to gather does affect the overall Monitoring Capacity of the national administration of a member state.

Finally, the ability to cross-check the quality of information, that is, to find evidences that the information gathered is consistent with the reality of facts, is the last ability necessary in the application of monitoring activities. This need is aroused by the observation that the Commission, provided its obligation to frequently report developments in its action, does always report information to the member states in a clear and complete manner. This problem has been explored by Laffont and Martimort (2002) in economic applications to the PA-model, which concluded that the solution to these deviances is often represented by incentives. According to Adriaensen (2014), the only incentive which the member states can provide to the Commission consist in more discretion for the future mandates. Anyway, concerning the cross-checking of information, the ability to consult multiple sources is central to confirm and complement information obtained through a single source. Sources of information different from institutional and informal meetings are bilateral meetings with the Commission, exchange of information between the member states, confrontation with the external partner in trade negotiations, consultation of the Council secretariat etc.

Considering the above analyses fact that the consultation of more sources of information results in a higher monitoring capacity, and that the member states equipped with an organized and competent national administration are in the position to consult a higher number of sources of information than the others, the following assumptions can be derived:

1. *The higher the Administrative Capacity of a Member State, the higher the quality of staff and structures at the disposition of the Public Administration of this Member State.*
2. *The higher the quality of staff and structures at the disposition of the Public Administration of a Member State, the higher the 'monitoring capacity' of this Member State.*
3. *The higher the 'monitoring capacity' of a Member State, the more the chances of this Member State to influence the EU trade policy position.*

TABLE 3



2.2.3 BARGAINING STRATEGIES

‘Bargaining strategies’, concerning a wide range of ‘negotiating activities’, constitute the third and last indicator provided for administrative capacity in the theoretical chapter of this research. How does negotiating activities provide for a good proxy to explain the correlation between the Administrative Capacity of the member states and the influence exerted on the trade policy position of the Union?

In the course of European trade policy derivation, a member state having successfully derived its “optimal” policy position and having assessed eventual “gaps” between its position and the EU trade policy position, will have an interest in signalling to its agent (the Commission) the discontent aroused by these gaps. Considered that the approach of the PA model outlined above and that the voting procedure governing the ratification of International Trade Agreements, as envisaged in Article 218(8) of TFEU¹⁶, is Qualified Majority Voting, the Council shall be considered a “hybrid principal”. This implies that the member states need to engage in collective bargaining in order to form a ‘blocking minority’ able to impede the signature of an International Trade Agreement, but also that their individual signals can produce consistent results, provided that ‘blocking minorities’ are not difficult to build (Adriaensen, 2014). The double bargaining context present in the Council procedures requires the member states to be prepared both for collective as well as bilateral bargaining strategies.

Relying on the distinction between ‘bilateral’ and ‘collective’ strategies, Daniel Naurin highlighted the different bargaining options available to the member states (Naurin, 2010). He distinguished between ‘arguing’ and ‘bargaining’. On the other hand, concerning the approaches implied by these bargaining strategies, he distinguished between ‘competitive behaviour’ and ‘cooperative behaviour’ (Naurin, 2010). In the council meetings discussions, ‘arguing’ can result in two different outcomes depending on the approach related to its application. If ‘arguing’ is conducted in a cooperative manner, it results in the member state hunting for more

¹⁶ (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E218>)

precise and detailed information in order to achieve a compromise with the Commission and the other member states. This bargaining strategy is defined as ‘deliberation’ (Naurin, 2010). Conversely, if ‘arguing’ is conducted in a competitive manner, it results in a strategy defined ‘rhetorical action’ (Naurin, 2010). This strategy consists in repeated attempts of a member state to make its preferences prevail on those of the other members. The member states recurring to rhetorical action are assumed to be straightforwardly concerned about their interests, and thus more reluctant to counter-arguments and compromise.

Another classification is provided by Dür and Mateo (2010), which defined the concepts of ‘soft’ and ‘hard’ bargaining strategies. Soft bargaining strategies are characterized by more cooperative and friendly behaviour, whereas hard bargaining strategies are characterized by an aggressive stance in the negotiations. In the classification of bargaining strategies, the aforementioned literature has its common denominator in the distinction between bilateral and collective bargaining strategies. According to Adriaensen (2014) the rationale behind this distinction is related to the fact that the Commission can disregard the signals sent by an individual member state, but is more reluctant to do so in the case of a collective signal, which is considered an indicator of broad salience of the raised issue. Anyway, being a ‘blocking minority’ easily constituted, the Commission shall be aware that if a large member state is raising an issue, it will probably be able to build a blocking minority at a later stage of the negotiations, and for this reason it will be more reluctant to neglect the issue. This does not hold true for issues raised by the smaller member states, which have lower voting power in the Council and, by consequence, have less chances to form a blocking minority at the later stages of the negotiations, guaranteeing the Commission with the discretion on whether to ignore the raised issue or not.

Anyway, the way in which collective and bilateral strategies are carried by the member states, as well as the correlation between negotiating activities applied and influence, need yet to be explored. The member states-Commission relations take place at the formal level within the comital structure of the Council and at the informal level with bilateral contacts and ITMs. The first occasion available to the member states to signal their preferences to the Commission is represented by the meetings of the TPC and of the working parties. Within this formal stages of policy

derivation the Council tend to act as a collective and it is the case for the member states to engage in consultation, coordination and exchange of information amongst each other in order to ascertain the possibility to bargain collectively (Elgström et al. 2001; Hosli 1999; Kaeding and Seck 2005) on a certain issue. Voicing concerns during the meetings of the FAC Trade, of the TPC, or of the different working parties, coordinating positions with the member states with similar preferences, engaging in issue-linkaging (Crump 2011), and exploiting the right of the presidency to place issues on the agendas of these meetings, are the most efficient collective signals available to the member states.

Conversely, bilateral signals are of a different nature and concern the constellation of instruments at the margin of the formal procedures (Adriaensen, 2014). Indeed, bilateral signals are the mean through which the member states directly target the Commission. They can be sent in the private talks before and after the meetings of the working groups and committees, via e-mail or telephone, and also in more formal occasion such as official bilateral meetings between government representatives and Commissioners.

The literature on bargaining strategies is also enriched by researchers who have studied the role of temporal dynamics in trade negotiations (Crump 2011), and the importance of timing in the application of bargaining strategies. In these studies, it is envisaged that the early stages of negotiations are usually dominated by discussions oriented towards problem-solving behaviour. By contrast, later stages of negotiations are more likely to be dominated by ‘distributional’ bargaining (Elgström & Jönsson, 2000). The assumption of Elgström & Jönsson (2010) was tested by A. Niemann on a case study concerning the Trade Policy Committee procedures during the WTO negotiations for the Agreement on Basic Telecommunication Services. The study revealed that at an early stage of negotiation the discussion in the committee was characterized by ‘deliberation’ and a problem-solving cooperative attitude of the member states. Interestingly, at the later stages of the negotiations, the Trade Policy Committee dynamics shifted towards ‘hard’ bargaining strategies (Niemann, 2004; 2006).

Having described the negotiating strategies applied in the EU trade negotiations, it is now clear how national administrations play a role in the determination of the quality and quantity of signals a member state is able to forward to the Commission. With

respect to the collective signals, in order to voice concerns in the meetings, to build bargaining coalitions, to engage in issue-linkaging and, most importantly, to engage in the negotiations at an early stage, the national administration of a member state needs to provide a well-trained staff composed of experts and diplomats and an adequate budget at its disposition. The same holds true concerning bilateral signals, where a key role is played by the experience, the background and the personal ties of the staff of a national administration with delegates of the national administration of the other member states or with the staff of the Commission. From this simple line of reasoning, the following assumptions have been derived:

1. *The higher the Administrative Capacity of a Member State, the higher the quality of staff and structures at the disposition of the Public Administration of this Member State.*
2. *The higher the quality of staff and structures at the disposition of the Public Administration of a Member State, the higher the ability of this Member State to timely develop and apply bargaining strategies in the process of European trade policy-making.*
3. *The higher the ability of a Member State to timely develop and apply bargaining strategies in the process of European trade policy, the more the chances of this Member State to influence the EU trade policy position.*

TABLE 4



2.3 DERIVING THE HYPOTHESIS

The development of the hypothesis followed an assessment of the assumptions enumerated in the previous sections of this Chapter. Having conceptualized administrative capacity as the ability of a member state to derive a position with prioritized issues, monitor the Commission and reduce information asymmetry, and apply successful bargaining strategies, there are grounds to hypothesize a positive correlation between the administrative capacity of a member state and its influence on the EU trade policy position in a specific case of trade negotiations. In this respect, the following hypothesis has been derived:

H1: *“The higher the administrative capacity of an EU member state, the greater is its influence on the EU's position in trade negotiations”.*

The hypothesis identifies the administrative capacity of a member state as the independent variable, which is positively correlated to the degree of influence exerted on the EU policy position, namely the dependent variable. Prior to the description of the methodological approach under which the hypothesis will be tested, it is useful to quickly remind the roles and prerogatives of the actors involved in this study.

With respect to Member States-Commission relations in the development of the EU trade policy, the role of the European Commission can be summarized as follows. The Commission is recognized as the ‘agent’ of the Principal-Agent model, its prerogatives as autonomous actor in the negotiation of international agreements are the result of a delegation by the member states, regarded as ‘multiple principals’. Delegation, in this context, is embedded in the nature of EU trade policy, and concretely reflected in the ‘negotiating mandate’ forwarded by the Council to the Commission. This sort of delegation entails the Commission receiving policy inputs which are collectively derived by the member states in an institutionalized context. Anyway, it is also the case for the member states to send bilateral inputs to the Commission, by mean of informal contacts. The Commission negotiates with Third Parties on the behalf of the member states following the directives laid in the mandate but, since negotiations are carried autonomously by the Commission, the Member States-Commission relations are characterized by the structural presence of ‘information asymmetry’. Information asymmetry may result in some degree of ‘agency loss’, namely a situation in which the Commission deviates from the interest of the member states. For this reason, the member states, during the negotiations, monitor the Commission and exchange information among themselves to reduce the scope for and the impact of information asymmetry.

Conversely, the role played by the member states in the interactions with the Commission for the derivation of the EU trade policy is that of the ‘principals’, in the view of the PA model described in Chapter 2. Most of the prerogatives carried by the principals are expressed in the different formations of the Council comital structure. The Council is perceived as the ‘bargaining arena’ for trade policy-making, in which the member states approach negotiations either applying tough bargaining strategies

or cooperative behaviour, depending on the saliency, the degree of politicization, and the voting procedures applied to a given policy issue. The member states are assumed to be interested in exerting influence on the European trade policy position according to their domestic policy preferences. In order to do so, they engage in a number of activities, both at the European and the domestic level. First of all, in order to influence the EU trade policy position according to domestic preferences, a national policy position needs to be derived. This is carried at the national level and entails the consultation of public¹⁷ as well as private¹⁸ actors. Then, at the EU level, the domestic position needs to be signalled and advocated in the meetings of the Council Working Groups and Committees and, possibly, also to the Commission, in a bilateral and usually informal manner. It is from this stage onwards of the member states-Commission relations that negotiating strategies are applied by the member states, also entailing coalition building and cooperation. Then the member states, having agreed on a 'negotiating mandate', delegate to the Commission the negotiations with third parties, limiting their prerogatives to monitoring and signalling activities. Provided that the member states engage in the enumerated activities in order to shape the EU trade policy position according to their preferences, and that variation is found in the extent to which the member states influence the EU trade policy position, it remains unanswered the question on what determines the ability of an individual member state to successfully carry the activities described above. In this respect, it is hypothesized that what determines this ability is the 'administrative capacity' of an individual member state.

¹⁷ Such as responsible Ministries and Government agencies.

¹⁸ Trade Unions, Group of Interest, Non-Governmental Organizations, Labor Unions, Cartels etc.

CHAPTER 3: METHODOLOGY

As already stated in the theoretical chapter, the aim of this dissertation is to provide an answer to the following research question: *Within the EU-Member States relations, what explains variation in the extent to which EU Member States can influence the EU's position in international trade negotiations?*. The hypothetic answer provided to this question identifies the administrative capacity of the member states as the cause of variation in the different the degrees of influence exert on the EU trade policy position by member states enjoying otherwise similar characteristics. Anyway, in order to test this hypothesis, a consistent methodological framework is needed.

This Chapter provides for the detailed description of the different phases through which the method applied in this research has been developed. The first section of discusses the selection of a case study to test the hypothesis. The second section describes the tailored methodology applied in this study, consisting in a comparative study on member states performances with respect to a specific case of trade negotiations, namely the CETA negotiations. In this section the variables, the methods of data gathering as well as the methods of data operationalization are explored in depth. To conclude, the last section is focused on a discussion on the quality of the framework applied and the consequential validity of the results to be obtained.

3.1 CASE STUDY – CETA NEGOTIATIONS

The case study selected in order to test the hypothesis concerns the negotiations between the European Union and Canada for the conclusion of the Comprehensive Economic and Trade Agreement (CETA), which represents the most important bilateral trade initiative of Canada since the conclusion of the NAFTA. The CETA negotiations started following a publication sponsored jointly by the European Commission and the Government of Canada and published in October 2008 (Hejazi and Francois, 2008). Then, on 6 May 2009, officials of the two parties officially announced the launch of CETA negotiations at the Canada-EU Summit in Prague (Hübner, Balik and Deman, 2016). After the signature of an ‘agreement in principle’ by the Canadian Prime Minister Stephen Harper and the European Commission President José Manuel Barroso on 18 October 2013 and, the official conclusion of

the negotiations on 1 August 2014, the trade agreement was officially presented on 25 September 2014 during an EU-Canada Summit in Toronto.

The selection of the CETA trade negotiations, which have been already concluded, allows to study the totality of the negotiating stages, from the domestic policy derivation processes of the member states to the text of the final agreement. Given the fact that the agreement has been concluded few years ago, it is also possible to rely, even if in a limited manner, on the studies developed in this respect. Moreover, if the study had to be conducted on a case study focused on ongoing negotiations, the data gathering process would probably have been obstructed by factors such as the limited willingness of the member states to disclose about their strategies, preferences and prioritization of issues. This is to sum to the fact that ongoing negotiations, by definition, cannot be observed by the point of view of their outcomes.

The process of derivation of the EU trade policy position for the CETA negotiations will be explored through a comparative method, aimed at assessing the abilities of the member states national administrations and the results obtained by the member states in the course of the negotiations. The comparative method is applied to a sample of a limited nature, composed of 4 units. The units (i.e. member states) have been selected among European Member States according to the following control variables. The first and most important control variable relates to the voting power in the Council. Indeed, if the selected countries were found to differ with respect to this variable, negotiating success and consequential influence on the EU policy position would have been explained by the different voting power of the countries selected. For this reason, selected countries are more or less equal in terms of voting power in the Council. Another important control variable for the selection of the countries object of this study, is the membership of the Union since before the last two enlargements. That is because new members may need time to adapt their domestic administrative and bureaucratic structure to that of the Union. For political as well as practical reasons, that can be an extremely time consuming process and, prior to the achievement of such process, the degree of influence exerted on the EU trade policy position might be affected by structural inefficiencies of the domestic administration. Finally, the last control variable applied in the sampling procedure concerns the nature of the economies of the countries at issue. The size and the degree of

development of the economy of a member state constitute the environment in which interests are generated. The economies of the selected countries can be said to be similar in terms of size and degree of development, to avoid these variables affecting the results of the study. The countries selected according to the enumerated control variables are France, Germany, Italy and Spain.

The aim of this comparative study is to assess and compare the performance of France, Germany, Italy and Spain in influencing the European trade policy position with respect to the CETA negotiations. This is carried in order to establish the existence of positive correlation between the individual administrative capacity of a member state and its ability to exert influence on the EU trade policy position. As outlined at the start of this Chapter, it is maintained that the more the Administrative Capacity of a member state, the more this member is likely to influence the EU trade policy position. This assumption entails that, in the analysis of this case study, the degree of influence exerted on the Commission is regarded as the dependent variable and, on the other hand, the administrative capacity of a member state, explaining variations in the dependent variable, is considered to be the independent variable.

3.2 DATA OPERATIONALIZATION

Having discussed the consistency of a case study exploring the performances of France, Germany, Italy, and Spain in the course of CETA trade negotiations with the research question, the next step consists in the operationalization of the variables selected to this aim.

3.2.1 ASSESSMENT OF ADMINISTRATIVE CAPACITY

The operationalization of the independent variable, administrative capacity, can be carried through the application of two methods, both providing results which can be assessed comparatively.

The first method entails the four countries to be ranked according to their degree of administrative capacity. Unfortunately, within the methodological framework applied in this research, the operationalization of the independent variable carried through a quantitative assessment of the indicators provided for administrative capacity is not possible. Indeed, to rank countries with respect to their degree of administrative capacity would require such indicators to be marked and weighted in the assessment

of the overall performance of a member state. Given the qualitative nature of the information obtained, such an effort would easily lead to biased results.

Conversely, providing for the qualitative assessment of the indicators of administrative capacity, it is possible to divide the member states in two categories (high degree of administrative capacity vs. low degree of administrative capacity). If the member states categorized as having a high degree of administrative capacity will be also found to have achieved the better results in the negotiations, the positive correlation between the independent and the dependent variable will be confirmed. The qualitative assessment of the indicators will be carried relying on the following assumptions concerning the indicators of administrative capacity.

The first indicator is the ability of a member to derive a policy position, which refers to the process of domestic coordination and consultation among Government agencies, responsible ministries and private actors of the civil society. In this respect, it is maintained that the more stakeholders, both public and private, a member state administration is able to consult and coordinate with, the more the policy position of this member will be likely to reflect the domestic 'optimal policy position'. That derives from the fact that activities such as consultation of the civil society and coordination with Government Ministries and Agencies increase the awareness of the central Government about the distribution of preferences and interests at the domestic level, permitting the elaboration of policy positions based on more reliable information. Anyway, it is to remind that such a process of policy derivation can result in an extremely time and resources consuming activity. It might lead to a scenario in which a member state is prevented from advocating its interests in the early stages of Council negotiations, being the internal coordination process still ongoing and the domestic policy position not derived yet. On this grounds, it is assumed that the more actors are involved in the process of trade policy derivation of a member state, the more time and resources are likely to be consumed in the process.

The second indicator selected for the operationalization of administrative capacity is the ability of a member state to 'prioritize' policy issues in its policy position. This entails the ranking of policy issues selected for this study according to their perceived degree of saliency at the domestic level. The prioritization of issues is a key aspect in the negotiating directives issued by domestic governments on their

representatives, providing for instructions on whether to assume a more flexible or adamant behavior in the discussions on a given policy issue. In this light, it is assumed that the more a member state prioritizes policy issues in its policy position, the more this member state will be likely to achieve its objectives with respect to the policy issues attributed with a greater degree of saliency. Indeed, having clear instructions on policy objectives is of obvious relevance for the development of a successful negotiating strategy. In addition, the number of policy issues attached with a considerable degree of saliency also plays a role in determining the outcome of the negotiations. Concerning this aspect, it is assumed that the higher the number of policy issues attributed with a considerable degree of saliency in a member state policy position, the less this member state is likely to attain its policy objectives with respect to the policy issues attributed with a greater degree of saliency. This assumption reflects the very nature of negotiations, in which, as in the words of Hampson and Zartman (2012), “*we can study who gets what by giving what in return*”. Conversely, having a limited number of prioritized issues to advocate for, guarantees the negotiators with substantial room of maneuver in granting concessions to their opponents on domestically less salient policy issues, resulting in higher chances to achieve objectives with respect to the most salient policy issues.

The quality and the quantity of the human resources employed in the Economic and/or Trade teams of the Permanent Representation to the EU institutions of the individual members are the third and fourth indicators in the operationalization of administrative capacity. The member states officials, civil servants, and representatives are the operating arm of national Governments in Brussels, carrying both control (monitoring) as well as signalling activities within the member state-Commission relations. In the light of this research, member states with greater quantity of personnel are considered to be more organized and more efficient at gathering and processing relevant information.

However, quantity is not the only relevant aspect to be studied with respect to the human resources of a national administration. The career background and the level of expertise of the staff are important predictors to assess the quality of the information gathered (monitoring) and the effectiveness of the bargaining strategies applied. It would be logic to maintain that the bargaining techniques applied by the member states to influence the EU policy position do play a role in shaping the outcome of

the negotiations, and, indeed, this is true. Unfortunately, it has been noticed that among the strategies applied by the four member states at the centre of this study there is not substantial variation. The fact that variation is not found in the bargaining strategies applied by the selected countries might be the result of the application of strict control variables during the sampling procedure. Anyway, the absence of variation impedes the use of bargaining strategies as an indicator to explain the degree of influence exerted on the EU policy position by the individual member states. For this reason, the research focuses on the quality of the staff employed by the member states carrying the aforementioned strategies. In this respect, economic experts as well as experienced trade negotiators are considered to be more effective than personnel with a general diplomatic career background at enforcing the domestic trade policy position at the EU level.

The budget assigned to a National Permanent Representation to the EU is the last indicator for the assessment of administrative capacity. In this respect, I assume that the higher the budget of a member state Permanent Representation, the more the financial and physical means at the disposition of its staff, the more this member state is likely to successfully enforce its interests at the EU level. Given the fact that not all of the member states are willing to share this kind of sensible information, not even for academic purposes, the quantity of staff employed by a Permanent Representation has been established as a good proxy for the assessment of its budget. This will not permit a precise assessment of the budgets at the disposition of the individual Permanent Representations but, anyway, it still provides the researcher with the ability to make some predictions in this respect. I will assume that the greater the quantity of staff employed by a member state Permanent Representation, the higher the budget at the disposition of this member state Permanent Representation.

The selection of the enumerated indicators has not been carried randomly. Indeed, these indicators do not provide for an all-encompassing understanding of the functioning of a national administration. Rather, the selection process of the indicators for administrative capacity has been carried taking into consideration only those aspects and functions of national administrative structures possibly contributing to the exertion of influence on the EU trade policy-making process. The process of data-gathering on the indicators of administrative capacity has been

conducted by mean of a structured interview submitted to a trade official of the German Permanent Representation and archival research on Institutional websites¹⁹. The findings on administrative capacity will be presented in Chapter 4 in the table portrayed below (TABLE 5).

TABLE 5 – ADMINISTRATIVE CAPACITY, OVERALL

| | France | Germany | Italy | Spain |
|------------------------------------|--------|---------|-------|-------|
| Policy Derivation | | | | |
| Policy Prioritization | | | | |
| Quantity of Human Resources | | | | |
| Quality of Human Resources | | | | |

3.2.2 ASSESSMENT OF THE RESULTS OF NEGOTIATIONS

Provided the operationalization of the independent variable, the next step is to explore the results of the EU trade negotiations for the derivation of a EU trade policy position to be applied in the CETA negotiations, namely the dependent variable. The results of the negotiations will be analyzed according to the following method.

In the first place, the most relevant policy issues discussed in the course of the meetings of the comital structure of the Council, as presented in the documents published by the European Commission²⁰, have been selected. The selected policy issues, as listed in TABLES 6 and 7, entails both the traditional sectors and industries of the economy (i.e. trade in goods and services, agri-food), as well as issues concerning the regulatory aspects of trade (i.e. investment, public procurement, sustainability, rules of origin).

Secondly, the selected policy issues where marked in TABLE 6 according to the degree of saliency (0.5, low degree of saliency; 1.0, high degree of saliency) attributed to them by each member state. Accounting for the prioritization of preferences carried by the sampled member states guarantees an unbiased assessment of the negotiating results. In this way, the overall performance of a member state is obtained through the assessment of gap between its policy objectives as before the start of the negotiations, exemplified by the degree of saliency attributed to policy

¹⁹ Permanent Representations Official Websites, See List of References

²⁰ http://trade.ec.europa.eu/doclib/docs/2014/december/tradoc_152982.pdf

issues, and the successfully achieved objectives, explored in the next paragraph. Information and data on the member states preferences have been deducted through the consultation of official reports and agendas of the meetings of the Council comital structure during the CETA negotiations and completed through the consultation of macroeconomic databases²¹ and Commission factsheets²².

TABLE 6 – SALIENCY OF POLICY ISSUES

| | France | Germany | Italy | Spain |
|---|--------|---------|-------|-------|
| Trade in Consumer goods | | | | |
| Agri-food | | | | |
| Investment | | | | |
| Trade in Services | | | | |
| Trade in Industrial Goods | | | | |
| Public Procurement | | | | |
| Geographical indication | | | | |
| Sustainable Development | | | | |
| Rules of Origin - (RoO) | | | | |
| Intellectual Property Rights - (IPR) | | | | |

Thirdly, as anticipated in the previous paragraph, an assessment of the results of the negotiations has been conducted. Each of the four member states have been marked in TABLE 7 in a range from 0 to 2 (i.e.: 2: achieved policy objectives 1:partially achieved policy objectives 0:failed to achieve policy objectives) according to their ability to successfully enforce domestic preferences in the negotiating mandate forwarded to the Commission. In this respect, information have been extracted from the European Commission news archive²³, containing the agendas, the documents, and the negotiating reports redacted by the relevant Working Groups and Committees.

²¹ <https://atlas.media.mit.edu/en/>

²²The EU-Canada Comprehensive Economic and Trade Agreement (CETA) Opening up a wealth of opportunities for people in France (http://trade.ec.europa.eu/doclib/docs/2017/february/tradoc_155360.pdf), Germany (http://trade.ec.europa.eu/doclib/docs/2017/february/tradoc_155345.pdf), Italy (<http://trade.ec.europa.eu/doclib/html/155349.htm>), and Spain (http://trade.ec.europa.eu/doclib/docs/2017/february/tradoc_155360.pdf).

²³ <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1811>

TABLE 7 – NEGOTIATING RESULTS

| | France | Germany | Italy | Spain |
|---|--------|---------|-------|-------|
| Trade in Consumer goods | | | | |
| Agri-food | | | | |
| Investment | | | | |
| Trade in Services | | | | |
| Trade in Industrial Goods | | | | |
| Public Procurement | | | | |
| Geographical indication | | | | |
| Sustainable Development | | | | |
| Rules of Origin - (RoO) | | | | |
| Intellectual Property Rights - (IPR) | | | | |

Finally, in order to extract nominal values enclosing the assessment of the negotiating results of the of the individual member states, the following formula will be applied:

$$[(Neg. Result^1 * Saliency^1) + (Neg. Result^2 * Saliency^2) + (Neg. Result^3 * (Saliency^3) etc.)] / [(Saliency^1) + (Saliency^2) + (Saliency^3) etc.]$$

Nominal values will permit to rank countries, in TABLE 8, according to the degree of influence exerted on the European trade policy position by each country. The hypothesis will be confirmed if the member states found with a higher degree of administrative capacity are also be found to have exerted a higher degree of influence on the negotiating mandate agreed in the Council and forwarded to the Commission.

TABLE 8 – NOMINAL VALUES ON NEGOTIATING RESULTS

| | France | Germany | Italy | Spain |
|--|--------|---------|-------|-------|
| Results of Negotiations (nominal value) | | | | |

3.3 VALIDITY AND LIMITATIONS

This section discusses the possible weaknesses of the methodological framework described above and developed relying on the virtues of the approaches applied in the literature. Provided that none of the existent approaches could have been straightforwardly applied to this research without arising incongruences, a consistent methodology has been developed by borrowing elements from theories of

International Political Economy, Comparative Public Administration and International Negotiations.

As anticipated earlier, the sampling procedure applied for the selection of the member states is the first issue arising concerns on the validity of the findings. In order to guarantee an unbiased analyses of the negotiating results, countries have been selected by keeping constant factors such as the voting power in the Council, the date of accession to the European Union, and the size of the economy. Being constant, these factors cannot explain the variation in the degree of influence exerted by the member states on the EU trade policy position.

Notwithstanding the careful sampling procedure applied, there are further elements possibly affecting the results of intra-EU negotiations for trade policy. The first and most relevant among these elements concerns the nature of the individual member states preferences, or, in other words, luck. The policy preferences of a member states can be, simply by matter of luck, very close to the negotiated compromise on a given policy issue. This may be probably more the case for the member states holding moderate policy positions, rather than for the member states holding extreme policy positions. The very nature of the Council negotiations, consisting in a group of 28 actors in search of compromise, favors the member states holding moderate positions. These states are expected to find the negotiated policy outcome closer to their preferences than the members holding extreme positions. In addition, another way in which the nature of preferences may affect the results of EU trade policy negotiations concerns the preferences of the European Commission. Member states with trade policy preferences closer to those of the Commission (e.g. open-market, low tariff oriented) are expected to find the negotiated policy outcome more in line with their preferences than member states holding a distant policy position from that of the Commission (e.g. protectionism oriented). In this specific case study the impact of this problem has been to some extent reduced. Indeed, it can be said that among the four selected countries there are no extreme cases of protectionists or tariff oriented positions with respect to international trade.

Anyway, the nature of preferences is not the only factor outside the scope of this research affecting the outcome of intra-EU Trade negotiations. The methodology applied in this dissertation also ignores the role played by the international

community (i.e. international non-state actors) such as NGOs, transnational group of interest, labor unions, trade unions, multinational companies and other similar organizations. The European Commission provides for an institutionalized scheme²⁴ of meetings and dialogues regulating the consultation process with international stakeholders. The preferences of these actors are thus accounted in the intra-EU trade negotiations, and reported by the Commission to the member states in the meetings of the Council Working Groups and Committees. The member states are certainly the most prominent actors in the derivation of the EU trade policy position for an International Agreement, nonetheless, in order to produce results exempted from all kinds of possible biases, the preferences of the international Civil Society should be accounted.

²⁴ <http://trade.ec.europa.eu/civilsoc/>

CHAPTER 4: FINDINGS

Having discussed the methodology applied in the process of data operationalization in Chapter 3, this chapter is focused on the findings obtained on the variables and on the discussion of the positive correlation implied in the hypothesis. In the first subsection the findings concerning the degree of administrative capacity of the member states (high vs. low) are discussed. The second subsection is dedicated to the findings concerning the results of the negotiations, highlighting the degree of influence exerted individually by each country. To conclude, the final subsection consist in a broader discussion aimed at assessing the presence, or the absence, of a positive correlation between the degree of administrative capacity of a member state and its degree of influence exerted on the EU trade policy position in the CETA negotiations.

4.1 FINDINGS ON ADMINISTRATIVE CAPACITY

In order to discuss the findings on the administrative capacity of the selected member states, this section present the results on the performance of each country with respect to the indicators connected the ability of an administration to carry derivation, monitoring and bargaining activities. As discussed in Chapter 3, the indicators of these abilities are identified in the process of consultation with Public and Private actors, the prioritization of issues in the policy position, and the quality and quantity of human resources. The respective performances on the indicators will be then inductively analysed to categorize the member states as having a high or low degree of administrative capacity.

4.1.1 POLICY DERIVATION CAPACITY

Concerning the first indicator of administrative capacity, namely the ability to derivate a national policy position the closest possible to the “optimal policy position”, the performance of the selected countries has been assessed according to the following assumptions:

- The more stakeholders, both public and private, a member state administration is able to consult and coordinate with, the more the policy position of this member will be likely to reflect the domestic ‘optimal policy positon’.

- The more actors are involved in the process of trade policy derivation of a member state, the more time and resources are likely to be consumed in the process.

TABLE 9 – POLICY DERIVATION

| | France | Germany | Italy | Spain |
|--------------------------|--|--|--|--|
| Policy Derivation | <u>Public Actors:</u> 4 Ministries <u>Private Actors:</u> Structured and <i>ad hoc</i> consultation with Civil Society stakeholders | <u>Public Actors:</u> 1 Ministry <u>Private Actors:</u> Structured and <i>ad hoc</i> consultation with Civil Society stakeholders | <u>Public Actors:</u> 2 Ministries <u>Private Actors:</u> Structured and <i>ad hoc</i> consultation with Civil Society stakeholders | <u>Public Actors:</u> 2 Ministries <u>Private Actors:</u> Structured and <i>ad hoc</i> consultation with Civil Society stakeholders |

As portrayed by TABLE 9, there actually is variation among the member states with respect to their internal processes of trade policy position derivation. The process of policy derivation has been divided in two stages: the consultation among the responsible ministries for trade policy (Public Actors) and the consultation with the Civil Society stakeholders (Private Actors). The findings related to the latter stage, indeed, produce rather insignificant variation between the performances of selected countries. The trade administrations of France, Germany, Italy and Spain were found to carry similar practices in the gathering process of the preferences of the Civil Society. The common practice consist in relying on a structured system of meetings and conferences with private stakeholders, internal to the domestic public administrations, providing the central authority with constant awareness of the distribution of interests among the civil society. This system is applied permanently, disregarding the presence of trade negotiations. Moreover, the selected countries were indistinctively found to complement these permanent structures with *ad hoc* consultative meetings, organized during the early stages of a trade negotiation, by the ministries responsible for the policy area at issue, and needed to obtain more detailed information on the specific preferences of actors of the Civil Society²⁵.

Oppositely, the findings concerning the first stage in the derivation of the domestic trade policy position, consultation among the responsible ministries for trade policy, highlight some strong variation among the selected countries. The variation is exemplified by the striking difference in the distribution of trade policy competences

²⁵ (e.i. Group of interest, trade union, labor unions, lobbies, industrial unions etc.)

between the French and the German domestic administrations. France has been found to rely on the work of four ministries (Ministry for Europe and Foreign Affairs, Ministry for the Ecological and Inclusive Transition, Ministry of Economy and Finance, Ministry of Agriculture and Food) in the derivation of the national trade policy position, while Germany has been found to rely on the work of a single ministry (Ministry of Economy and Finance) in carrying the same task. Italy and Spain placed in the middle, both relying on the work of two ministries (Italy: Ministry of Foreign Affairs and Ministry of Economic Development, Spain: Ministry of Industry, Trade and Tourism and Ministry of Economy and Competitiveness).

According to the logic of the assumptions provided above, it is maintained that France enjoys an higher derivation capacity than the other three countries, which entails a higher burden of time and costs. On the other hand, Germany, Italy and Spain, relying on fewer ministries in their processes of policy derivation sustain a relatively lower burden, but are also more likely to deviate from the “optimal policy position”.

4.1.2 POLICY PRIORITIZATION CAPACITY

The second indicator provided for the assessment of administrative capacity concerns the ability to prioritize issues in the derivation of the domestic national trade policy position. In this respect, the performance of the selected countries has been assessed according to the following assumption:

- The higher the number of policy issues attributed with a considerable degree of saliency within a member state trade policy position, the less this member state is likely to attain its policy objectives.

TABLE 10 – POLICY PRIORITIZATION

| | France | Germany | Italy | Spain |
|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Policy Prioritization | 8 salient issues out of 9 | 6 salient issues out of 9 | 6 salient issues out of 9 | 7 salient issues out of 9 |

As evidenced by TABLE 10, there is consistent variation among the selected member states also with respect to this indicator. The findings related to the national trade policy positions, reveal the different amount of issues prioritized by each of the selected countries. To produce these results, the first step consisted in identifying nine of the key policy issues at stake in the EU discussions prior to the CETA

negotiations (Consumer goods, Agri-food, Investment, Services, Public Procurement, Industrial goods, Geographical indication, (RoO) Rules of Origin, and (IPR) Intellectual Property Rights). Then, exploring agendas and reports of the meetings and discussions of the specialized Committees²⁶ of the Council (e.g. Committee on Agriculture, Geographical Indications, Services and Investment, Government Procurement, Trade in Goods etc.), detailed information on the saliency attributed to each policy issue by each country was obtained and confronted. In this respect, France has been found to attribute a high degree of saliency to eight policy issues out of the nine selected for the analyses on the CETA trade negotiations, Spain has been found to prioritize seven issues out of nine and, Italy and Germany both attributed a high degree of saliency to six out of the nine selected policy issues.

Following the line of reasoning provided in the aforementioned assumption, Germany and Italy are considered more likely than France and Spain to successfully enforce the policy preferences to which they have attributed a greater degree of saliency in the overall EU trade policy position. For this reason, it is maintained that Germany and Italy enjoyed a higher degree of prioritization capacity in the course of CETA negotiations than France and Spain.

4.1.3 HUMAN RESOURCES

In the operationalization of administrative capacity, the third and the fourth indicators concern the staff employed by the Trade team of the Permanent Representation to the EU institutions of each of the sampled member states.

Specifically, the third indicator is represented by the number of personnel employed by the Trade team of a national Permanent Representation and, the fourth, by the its quality, where quality is assessed considering the career background of the trade officials employed. With respect to these indicators, the performance of the selected countries has been assessed according to the following assumptions:

- The greater quantity of personnel employed by the Trade team of the Permanent Representation of a member state, the more this member state is likely to be efficient in gathering relevant information and to attain its policy objectives.
- The greater quantity of personnel enjoying relevant experience in EU and International trade negotiations employed by the Trade team of the Permanent Representation of a

²⁶ <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1811>

member state, the more this member state is likely to gather high quality information, to apply successful strategies and to attain its policy objectives.

TABLE 11 – HUMAN RESOURCES

| | France | Germany | Italy | Spain |
|------------------------------------|-------------|--------------|-------------|--------------|
| Quantity of Human Resources | 7 | 3 | 3 | 5 |
| Quality of Human Resources | 85% experts | 100% experts | 66% experts | 100% experts |

Also in this case, the findings²⁷ of the selected member states produce substantial variation. Observing data on the quantity in the light of the first assumption provided in this subsection, it will be maintained that France and Spain are likely to be more efficient than Germany and Italy in gathering information and, thus, to attain their policy objectives. On the other hand, observing data on the quality of the personnel employed in the light of the second assumption listed in this subsection, it is evident how Germany and Spain performed better than France and Italy. As a consequence, Germany and Spain are considered more likely than France and Italy to gather high quality information and to apply successful negotiating strategies to the aim of attaining their policy objectives.

4.1.4 SUMMARIZING THE FINDINGS ON ADMINISTRATIVE CAPACITY

Having considered the findings on the performances of the selected member states with respect to the indicators of administrative capacity relevant to the exertion of influence on the EU trade policy position, the next step is to assign each of the member states to one the of the two categories mentioned in Chapter 3, namely high degree of administrative or low degree of administrative capacity. Before that, it is useful to observe the findings as summarized by TABLE 12.

²⁷ TABLE 11

TABLE 12 – ADMINISTRATIVE CAPACITY, OVERALL

| | France | Germany | Italy | Spain |
|------------------------------------|--|---|---|---|
| Policy Derivation | <u>Public Actors:</u> 4 Ministries <u>Private Actors:</u> Structured and <i>ad hoc</i> consultation with Civil Society stakeholders (HIGH) | <u>Public Actors:</u> 1 Ministry <u>Private Actors:</u> Structured and <i>ad hoc</i> consultation with Civil Society stakeholders (LOW) | <u>Public Actors:</u> 2 Ministries <u>Private Actors:</u> Structured and <i>ad hoc</i> consultation with Civil Society stakeholders (LOW) | <u>Public Actors:</u> 2 Ministries <u>Private Actors:</u> Structured and <i>ad hoc</i> consultation with Civil Society stakeholders (LOW) |
| Policy Prioritization | 8 core issues out of 9 (LOW) | 6 core issues out of 9 (HIGH) | 6 core issues out of 9 (HIGH) | 7 core issues out of 9 (LOW) |
| Quantity of Human Resources | 7 (HIGH) | 3 (LOW) | 3 (LOW) | 5 (HIGH) |
| Quality of Human Resources | 85% experts (LOW) | 100% experts (HIGH) | 66% experts (LOW) | 100% experts (HIGH) |

TABLE 12 portrays the performances of the member states concerning the indicators provided for administrative capacity and provides for the comparative assessment of such performances grounded on the assumptions outlined above. The overall picture suggests that France, Germany and Spain are among the best performers in two out of the four indicators provided for administrative capacity, while Italy is among the best performers only in one out of the four selected indicators. For this reason, it is maintained that France, Germany and Spain have an higher degree of administrative capacity than Italy.

Recalling the hypothesis to be tested in this research, “*The higher the administrative capacity of an member state, the greater is its influence on the EU's position in trade negotiations*”, and considering the findings on the administrative capacity of the selected member states discussed in the previous paragraph, France, Germany and Spain will be considered more likely than Italy to successfully influence the EU trade policy position in the case of CETA negotiations. The following section describe the findings obtained in this respect.

4.2 FINDINGS ON INFLUENCE

To discuss the findings on the influence exerted by the selected member states on the EU trade policy position in the case of the CETA negotiations, the research relies on the formula outlined below:

$$\frac{[(Neg. Result^1 * Saliency^1) + (Neg. Result^2 * Saliency^2) + (Neg. Result^3 * (Saliency^3) etc.)]}{[(Saliency^1) + (Saliency^2) + (Saliency^3) etc.]}$$

The formula produces a nominal value, framing the negotiating performance of each country, weighted on the saliency attributed by the member states to each of the policy issues listed in TABLE 13 and 14. Anyway, prior to the application of this formula, the negotiating results as well as the degree of saliency attributed to the policy issues by the member states need to be assessed.

TABLE 13 – SALIENCY OF POLICY ISSUES
(1: high degree of saliency) (0.5: low degree of saliency)

| | France | Germany | Italy | Spain |
|---|--------|---------|-------|-------|
| Consumer goods | 1 | 1 | 1 | 0.5 |
| Agri-food | 1 | 0.5 | 1 | 1 |
| Investment | 1 | 1 | 0.5 | 1 |
| Services | 1 | 1 | 1 | 1 |
| Public Procurement | 1 | 1 | 1 | 1 |
| Industrial goods | 1 | 1 | 0.5 | 1 |
| Geographical indication | 1 | 0.5 | 1 | 1 |
| (RoO) Rules of Origin | 0.5 | 0.5 | 1 | 0.5 |
| (IPR) Intellectual Property Rights | 1 | 1 | 0.5 | 1 |

TABLE 14 – NEGOTIATING RESULTS
(2: achieved policy objectives) (1: partially achieved policy objectives) (0: failed to achieve policy objectives)

| | France | Germany | Italy | Spain |
|---|--------|---------|-------|-------|
| Consumer goods | 2 | 2 | 2 | 2 |
| Agri-food | 1 | 2 | 1 | 1 |
| Investment | 2 | 2 | 1 | 2 |
| Services | 2 | 2 | 2 | 2 |
| Public Procurement | 2 | 2 | 2 | 2 |
| Industrial goods | 2 | 2 | 2 | 2 |
| Geographical indication | 1 | 2 | 1 | 1 |
| (RoO) Rules of Origin | 2 | 2 | 2 | 2 |
| (IPR) Intellectual Property Rights | 2 | 2 | 2 | 2 |

Taking a closer look to the saliency attributed to the different policy issues (TABLE 13), variation among the member states is found both in terms of quantity and of the nature of their preferences. This suggests that failing to consider the saliency attributed by the negotiators to their policy objectives would definitely result in a

biased understanding of the negotiating results. The attribution of a high degree of saliency to a given policy issue in the case of trade negotiations can be explained as a consequence of the following scenarios. Firstly, the coordinated action of societal actors may encourage the domestic government to protect their more or less ‘specific’ interest. Secondly, the domestically perceived political sensitiveness of policy issues can vary from country to country. Lastly, the very nature of the economic environment of a member state may impose to its domestic government the ‘protection’ of key sectors of its economy. On the other hand, observing the findings concerning the negotiating results (TABLE 14), the variation among the member states performances is rather insignificant. This further highlights the need to account for the saliency of policy issues in the assessment of the negotiating results, not only with respect to EU trade policy negotiations. Anyway, having provided for the factors completing the formula, the nominal values concerning the overall performance of each of the member states, weighted on the degree of saliency attributed to policy issues, are presented in TABLE 15.

TABLE 15 – NOMINAL VALUES ON NEGOTIATING RESULTS

| | France | Germany | Italy | Spain |
|--|---------------|----------------|--------------|--------------|
| Results of Negotiations (nominal value) | 1.76 | 2 | 1.60 | 1.75 |

The nominal values in TABLE 15 highlight how Germany was the most successful among the selected countries at enforcing its preferences in the EU trade policy position for the CETA trade negotiations, followed by France, Spain, and Italy. In this case, the limited variation found in the performances of the member states is to be attributed to the control variables discussed in the previous chapters. Indeed, the member states were carefully selected as to be the most similar possible among each other with respect to those variables considered as the most evident predictors of influence in EU (trade) negotiations (e.g. size and nature of their economy, the size of their population, the date of accession in the EU and their voting power in the Council). Anyway, even considered that the variation in the overall assessment of the degree of influence exerted is not wide, it is still sufficient to rank countries according to their performances.

4.3 DISCUSSING THE FINDINGS

To provide a satisfying assessment of the extent to which the findings described in the previous sections respond to the research question of this dissertation, “*Within the EU-Member States relations, what explains variation in the extent to which EU Member States can influence the EU’s position in international trade negotiations?*”, confirming the hypothesis that “*The more the administrative capacity of a European member state, the more this member state is likely to influence the EU trade policy position in a given trade negotiation*” it is useful to quickly remind the framework applied.

Administrative capacity has been identified as the independent variable, consisting in the abilities of the member states to Derive a policy position with prioritized issues, to monitor the Commission in its autonomous prerogatives, and to apply successful bargaining strategies, to the aim of influencing the EU trade policy position with respect to a given case of trade negotiations. The indicators of these abilities has been identified in the number of Public and Private actor involved in the domestic consultation process, the number of issues attached with an high degree of saliency in the domestic trade policy position and the quality and quantity of the human resources employed by the Permanent Representation of a given member state. With respect to these indicators, France, Germany and Spain have been found to perform better than Italy and,, thus are expected to have exerted a greater degree of influence on the EU trade policy position derived for the CETA trade negotiations.

On the other hand, the dependent variable has been identified in the degree of influence exerted by the member states on the EU trade policy position. Influence was measured through an assessment of the domestic policy objectives successfully enforced by the member states on the EU trade policy position, weighted on the degree of saliency with which they were attributed. In this respect, the findings on the dependent variable, represented by nominal values, permitted to rank countries according to their negotiating performance. Germany was found as the most successful negotiator, followed in this order by France, Spain, and Italy.

Provided that the countries found with a higher degree of administrative capacity are also found to have exerted a higher degree of influence on EU trade policy position in the case of the CETA negotiations, the hypothesis can be said to be confirmed.

Anyway, the mere fact the selected case study confirmed the hypothesis does not provide sufficient evidences to support a causal relation between administrative capacity and influence at the EU level. Indeed, the study has been carried on a very specific case study, concerning a sample of only four units, selected according to a number of control variables. It has been possible to link the administrative capacity of a member state to its influence at the EU level only excluding factors such as the voting power in the Council, the size of the economy of a member state, and its date of accession to the Union, which can be considered as the most evident indicators of influence in the EU trade policy negotiations, as confirmed by the literature outlined in the first Chapter.

Moreover, the case study is applied to events occurred in the past. This can undermine the applicability of the findings of this research to similar research questions in two different ways. On the one hand, it is plausible that, in a relatively short period of time, the EU policy-making procedures analysed in this research may undergo some changes. This is easily possible provided that a great part of the EU trade policy-making process is carried at the informal level and not constrained by the Treaties. On the other hand, it is important to remind that the member states central authorities are subject to elections. Having an alternation of power in the central authority may imply the fact that preferences are prioritized differently by different governments. Also, the nature of the economy of the member states plays a decisive role in the prioritization of preferences. Indeed, it can be the case that a member state economy is mainly sustained by a single sector, for example the services sector, and that the economy of some of its opponents is sustained by two or more sectors, for example the agri-food and the industrial sector. In such a scenario, the first member state will have a negotiating advantage on the second, in so that its domestic economic environment is structurally 'easier' to defend. Being concerned with fewer policy priorities, the first member will be able to concede more on other policy issues, guaranteeing itself a successful outcome in the negotiations.

Having discussed the issues eroding the extendibility of the findings to a narrow range of case studies, it is indeed confirmed that, among countries with similar characteristics, the degree of administrative capacity of a country can be a predictor of influence on the EU trade policy-making process. In order to support the validity of these findings, more research should be carried on the study of the role played by

national administrations in the course of intra-EU negotiations. Provided the ever increasing role of the EU as an international actor, and provided the mixed nature of trade policy, in between intergovernmental and supranational, the literature on EU trade policy will be surely enriched in the years to come.

CONCLUSION

Within the EU-Member States relations, does administrative capacity explain the variation in the extent to which EU Member States can influence the EU's position in international trade negotiations? This dissertation provides for evidences confirming that, in the case of the derivation process of the EU policy position for the CETA trade negotiations, among member states similar with respect to voting power in the Council, size of the economies and date of accession to the European Union, administrative capacity can be used to explain the variation in the degree of influence exerted by the member states on the EU trade policy position.

In this respect, the first Chapter of this dissertation present the state of art of the literature concerning EU trade policy and the legal framework regulating its derivation. The literature on the member states-Commission relation in the derivation of trade policy has been found to be brief and mostly concerned with Council dynamics. The role played by national public administrations in advocating the domestic interests at the EU level of policy-making is substantially unexplored. For this reason, in the second Chapter, the theoretical model is built through the combination of approaches applied in different research domains. The conceptualization of administrative capacity has been inspired to the conceptualization provided under Comparative Public Administration studies, the member states-Commission relations has been framed as in the Principal-Agent model of International Political Economy, and influence has been assessed applying the outcome-based approach of International Negotiation theory. Together with the theoretical model, chapter two presents the derivation of the hypothesis as follows: "The more the administrative capacity of a European member state, the more this member state is likely to influence the EU trade policy position in a given trade negotiation". Then, Chapter three is devoted to the development of the methodological framework applied to test the hypothesis cited above. This implies the operationalization of administrative capacity as the ability of a member state to

carry policy derivation activities, monitoring activities and to successfully apply negotiating strategies. The indicators provided for the assessment of such abilities are the nature of the consultation process among domestic stakeholders and the quality and quantity of the human resources employed by the Permanent Representation of a member state. On the other hand, influence has been operationalized as a nominal value accounting for the negotiating performance of the member states weighted on the saliency attributed to the policy issues present in their own domestic position. The positive correlation between administrative capacity and influence was then assessed studying the performances of four countries in both in terms of administrative capacity and of negotiating results. In order to guarantee that administrative capacity would have been the only variable explaining the influence, countries were selected according to strict control variables. The findings discussed in Chapter four, indeed, confirmed the positive correlation between administrative capacity and influence. Countries found with an higher degree of administrative capacity were also found achieving better negotiating results. This suggests that a country aiming at the implementation of its policy preferences in the EU trade policy position should have firstly developed a sufficient degree of administrative capacity. In order to do so, as pictured by the findings in TABLE 12, the process of domestic coordination among public actors as well as the consultation of the civil society preferences must be able to guarantee the central authority with a fair representation of the distribution of the domestic interests and with high quality information on technical issues. In addition to the domestic coordination, a country should also be able to coordinate its position with likeminded member states in the Council. To increase these abilities, provided that relevant experience is acquired through the time, national administrations should provide their Permanent Representations in Brussels, and the national Ministries responsible for trade policy, with either experienced or specifically trained personnel. The quantity and quality of the human resources has been linked to a higher ability of a national administration to gather and process the information required for the derivation of a domestic position, to gather and process information on the activities carried autonomously by the Commission, and to devise and apply successful negotiating strategies in the meetings of the comital structure of the Council.

Anyway, as discussed in the section ‘validity and limitations’ in Chapter 3, there are other important factors playing a decisive role in the derivation of trade policy at the

European level, external to the list of control variables discussed earlier used. These factors can be identified in the nature of preferences of a member states, which can produces bargaining advantages for certain actors, and the role played by the international community (e.i. NGOs, Groups of interest, Trade unions, etc.). For this reason, this research cannot be considered as an all-encompassing study on the factors determining the influence exerted by the member states on the EU policy-making process but, rather, a specific empirical study on the correlation between administrative capacity and influence. The implications of the findings of obtained with this research could be confirmed by the application of the same model to other cases of intra-EU negotiations prior to the discussion of international trade agreements. Indeed, the negotiations for a EU-Japan trade agreement have been already concluded and a EU-Japan Trade Agreement is provisionally applied since February the 1st, 2019. It would be of secure interest to ascertain whether or not the countries selected for the case study presented in this research have actually increased their administrative capacity and, if so, whether or not this translated in higher negotiating results in the derivation of a EU trade policy position.

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RIASSUNTO

Questa ricerca è stata ispirata dalla percezione che le risorse umane, l'organizzazione e le strutture con le quali uno Stato membro dota la propria rappresentanza permanente presso le istituzioni Europee a Bruxelles siano fattori chiave nel determinare le capacità di tale stato nell'influenzare la politica commerciale comune Europea. L'obiettivo preposto è dunque quello di definire l'esistenza di un rapporto di correlazione positiva tra il grado di efficienza dell'amministrazione pubblica di uno Stato membro e la capacità di tale Stato di influenzare, secondo preferenze ed interessi domestici, la posizione commerciale comune dell'Unione in un dato caso di negoziati commerciali. Coerentemente, la domanda di ricerca è stata formulata come segue: "Nelle relazioni tra Stati membri e Commissione Europea, cosa spiega la variazione del grado di influenza esercitato dagli Stati membri sulla posizione negoziale comune mantenuta dell'Unione durante negoziati commerciali internazionali?". La domanda di ricerca deriva dal presupposto che gli stati membri abbiano un interesse nello sviluppare la propria capacità di esercitare influenza sulla posizione negoziale dell'Unione, derivata internamente nella struttura comitale del Consiglio Europeo e di seguito applicata dalla Commissione Europea nelle negoziazioni con parti terze. Tale interesse è motivato dalla presenza di grandi asimmetrie nella struttura, nel funzionamento e nella costellazione di interessi che caratterizzano le economie degli Stati membri, le quali causano una percezione di impatto e un grado di apprezzamento degli accordi commerciali internazionali differente in ogni paese. In questo scenario, l'obiettivo di una pubblica amministrazione efficiente è quello di perseguire la *optimal policy position*, in altre parole, di sviluppare le politiche in modo che risultino apportare "la maggiore grado di soddisfazione possibile per il maggior numero possibile" di soggetti interessati al livello domestico. Considerando che l'Unione Europea è composta da 28 Stati membri, e che ciascuno dei 28 Governi difende i propri interessi nelle strutture istituzionali previste dai Trattati, lo studio dei mezzi e delle strategie impiegate in questo senso è di primaria rilevanza per l'analisi del processo di derivazione della

politica commerciale comune dell'Unione. I mezzi a disposizione degli Stati membri applicati al fine di esercitare influenza su tale processo sono disposti dai vari apparati amministrativi e burocratici nazionali. I delegati, gli esperti, i rappresentanti e le istituzioni istituite al fine di coordinare questo personale, sono parte dell'apparato amministrativo di un paese. Alla luce di quest'affermazione, è possibile comprendere in che modo le delle pubbliche amministrazioni degli Stati membri possano svolgere un ruolo decisivo nei processi decisionali dell'Unione.

Per rispondere alla domanda di ricerca sopra indicata, il primo passo consiste nell'esplorare la letteratura accademica concernente il ruolo delle pubbliche amministrazioni nazionali nel processo decisionale dell'UE, più precisamente nel processo di elaborazione della politica commerciale comune. Una delle principali materie interessate alle relazioni tra Stati membri e Commissione nel processo decisionale europeo è quella di economia politica internazionale. Gli studi relativi a questa scuola affrontano tre principali dibattiti. Il primo riguarda il ruolo dell'Unione, rappresentata dalla Commissione Europea nella conclusione di accordi commerciali internazionali, come attore esterno e autonomo rispetto agli Stati membri. Le relazioni tra questi due attori sono descritte attraverso il *three-level game approach* sviluppato da L.A. Patterson (1997). Secondo questo approccio, l'elaborazione delle politiche Europee è suddivisa in tre fasi: fase domestica, fase europea e fase internazionale. In particolare, questa ricerca si concentra sull'elaborazione della politica commerciale nelle fasi domestica ed Europea, considerando la fase internazionale come esogena alla razionale della ricerca.

Il secondo dibattito sviluppato in questa letteratura riguarda l'evoluzione delle politiche Europee rispetto all'evoluzione del sistema istituzionale europeo. Gli studi pubblicati in merito forniscono a questa ricerca un quadro pertinente per l'analisi dell'attuale funzionamento delle istituzioni Europee e delle relative procedure decisionali. Il confronto con le precedenti strutture istituzionali, invece, sarà considerato esogeno alla ricerca e dunque tralasciato.

Infine, il terzo dibattito concerne la delegazione di autorità da parte degli stati membri verso la Commissione europea. Tale processo di delegazione è analizzato attraverso l'applicazione del *Principal-Agent model*. Il modello, come descritto nella letteratura, garantisce un quadro per lo studio della distribuzione delle competenze tra Stati membri e Commissione Europea e consente la concettualizzazione di fattori

quali "asimmetria informativa" e "capacità di monitoraggio", di primaria importanza allo scopo di questa ricerca. Evidentemente, nessuno degli approcci di economia politica internazionale analizza il ruolo svolto individualmente dagli Stati membri, per non menzionare il ruolo delle pubbliche amministrazioni e dei sistemi burocratici. Piuttosto, l'oggetto preferito degli studi di Economia Politica Internazionale è il ruolo svolto dal Consiglio Europeo, caratteristica che riduce di fatto la validità di questi approcci per un'applicazione diretta in questa ricerca.

Un'ulteriore ambito di ricerca capace di fornire elementi utili allo sviluppo di un modello teorico applicabile in questo studio è quello degli studi amministrativi comparati. La principale virtù di questa materia risiede nell'approccio alla concettualizzazione del Consiglio Europeo che, nelle parole di Adriaensen (2014), è stato "dischiuso". Il Consiglio Europeo non è percepito come un'entità singola, piuttosto gli Stati membri sono riconosciuti come una molteplicità di attori coesistenti all'interno delle formazioni del Consiglio Europeo. Di conseguenza gli studi amministrativi comparati consentono la valutazione delle abilità individuali delle pubbliche amministrazioni. Sfortunatamente però, se da una parte gli studi amministrativi comparati forniscono una soluzione al problema relativo alla concettualizzazione del Consiglio, dall'altra si concentrano principalmente sulla capacità delle pubbliche amministrazioni di contrattare il diritto europeo nel sistema legislativo domestico, piuttosto che sulla capacità di influenzarne il processo di derivazione.

La letteratura riguardo la teoria e la tecnica delle negoziazioni internazionali è la terza ed ultima fonte da esplorare. Questo campo di ricerca fornisce tre elementi interessanti allo scopo di questo studio. Il primo elemento è rappresentato dall'approccio alle interazioni tra Stati membri aventi luogo negli incontri dei vari organi della struttura comitale del Consiglio Europeo. L'analisi di tali interazioni permette di concettualizzare il Consiglio come "arena per la negoziazione" piuttosto che come un attore unitario. Il secondo elemento è fornito dagli studi incentrati sulle strategie applicate dagli Stati membri nell'ambito di tali interazioni, il quale prevede la concettualizzazione di fattori concernenti le "attività negoziali", quali strategie negoziali, coordinamento della posizione negoziale e negoziazione collettiva. Infine, un ultimo elemento utile risiede nell'applicazione dell' *outcome-based approach*. Tale approccio analizza la performance negoziale degli Stati membri attraverso uno

studio comparato dei risultati delle negoziazioni. Questo approccio permette la concettualizzazione dell'influenza esercitata da uno stato membro come la somma dei risultati negoziali ponderati sul grado di salienza attribuito dagli Stati membri ai diversi obiettivi.

Avendo valutato le interpretazioni utili fornite dalla letteratura, per rispondere alla domanda di ricerca e dimostrare un rapporto di correlazione tra il livello di efficienza della pubblica amministrazione di uno stato membro e il grado di influenza esercitato da tale stato membro sulla posizione negoziale dell'Unione in ambito di trattative commerciali internazionali, è innanzitutto necessario delineare da cosa è determinata l'efficienza di una pubblica amministrazione. L'efficienza delle pubbliche amministrazioni è un concetto frequentemente discusso nella letteratura degli studi amministrativi comparati. Un tentativo di costruire una concettualizzazione onnicomprensiva dell'efficienza di una pubblica amministrazione è stato effettuato da Simona Milio (2007), la quale suggerisce di incorporare sia la valutazione delle abilità di una pubblica amministrazione di svolgere funzioni specifiche, sia l'obiettivo che motiva lo svolgimento di tali funzioni. Seguendo questo ragionamento, nel quadro teorico di questa ricerca l'obiettivo di una pubblica amministrazione è quello di influenzare la posizione negoziale comune dell'Unione in materia di commercio. D'altra parte, l'individuazione delle abilità necessarie allo svolgimento di funzioni specifiche in materia di politica commerciale è un processo più complicato. Le funzioni specifiche coerenti con l'obiettivo sopra citato sono state identificate nella capacità di derivazione della posizione domestica in materia di politica commerciale, di monitorare la Commissione nello svolgimento delle sue funzioni autonome e di applicare strategie di negoziazione vincenti.

La capacità di derivazione della posizione domestica consiste sostanzialmente nell'abilità di una pubblica amministrazione nel combinare la costellazione di interessi come distribuiti nel proprio Stato di appartenenza in un'unica posizione negoziale. Le principali cause di limitazione in questa abilità sono da individuare nelle inefficienze burocratiche e nella mancanza di competenze tecniche riscontrate nel processo di consultazione degli *stakeholders*, che si tratti di attori pubblici o privati. Ciò suggerisce che le strutture che raccolgono ed elaborano le informazioni, nonché il personale impiegato, siano fattori di primaria importanza nella valutazione della capacità di derivazione di uno Stato membro. Inoltre, considerando che la

politica commerciale di uno Stato membro produce conseguenze che invocano le responsabilità di un'ampia gamma di ministeri, è richiesta abilità di coordinamento tra i vari poli di autorità. D'altra parte, per quanto riguarda la consultazione degli *stakeholders* privati, il processo segue un percorso diverso. Essi si organizzano in gruppi di interesse, comitati, confederazioni, *lobbies* ecc., per poter segnalare alla pubblica amministrazione in modo coerente ed unitario il proprio interesse.

La capacità di monitoraggio consiste nella somma delle funzioni svolte da uno Stato membro nel "controllare" la Commissione nello svolgimento delle sue prerogative. Tali funzioni consentono agli Stati membri di individuare eventuali inconsistenze tra la politica commerciale domestica e quella coordinata al livello Europeo e, dunque, di attivare il processo di segnalazione del malcontento scaturitone. Inoltre, il fatto che le attività di negoziazione siano condotte dalla Commissione e non dagli Stati membri comporta che tali attori abbiano accesso a diverse informazioni. Questa "asimmetria informativa", radicata nella natura stessa delle relazioni tra Stati membri e Commissione in cui la Commissione gode di vantaggio informativo nei confronti degli Stati membri, è considerata come strutturale ed esogena rispetto alle abilità di una pubblica amministrazione. Partendo da questo presupposto, le attività di monitoraggio della Commissione sono applicate al fine di limitare un'eventuale asimmetria informativa endogena, ovvero scaturita da inefficienze amministrative domestiche. Ciò implica la capacità di raccogliere informazioni di qualità, filtrando le informazioni contenute nei rapporti della Commissione o fornite da fonti secondarie (altri Stati membri).

La capacità di applicare strategie negoziali vincenti, costituisce il terzo indicatore previsto per la concettualizzazione dell'efficienza di una pubblica amministrazione. Avendo concluso la fase di derivazione domestica della politica commerciale, uno Stato membro, al fine di influenzare la politica commerciale comune dell'Unione, avrà un interesse nel segnalare le proprie preferenze alla Commissione e ad applicare strategie negoziali nelle formazioni del Consiglio.

I segnali rivolti alla Commissione possono essere inviati collettivamente o bilateralmente. Il coordinamento tra le posizioni commerciali degli Stati membri, che permette la segnalazione collettiva delle preferenze, ha luogo negli incontri della struttura comitale del consiglio. Viceversa, la segnalazione delle preferenze a livello bilaterale è principalmente applicata nella costellazione di occasioni informali

orbitante attorno alle procedure formali. I contatti informali hanno luogo in attesa di, nelle pause e dopo le riunioni formali dei gruppi di lavoro e dei comitati, o alternativamente via e-mail o telefono. La segnalazione al livello bilaterale può anche assumere una natura più formale nel caso di incontri bilaterali tra rappresentanti di Governo e Commissari Europei.

D'altra parte, è stato osservato che le strategie applicate nelle negoziazioni tra Stati variano in relazione alle fasi del processo decisionale in cui sono applicate. Essendo la struttura comitale del Consiglio permanente e dominata da norme di consenso, essa scoraggia l'assunzione di atteggiamenti ostili o refrattari. Indubbiamente la maggior parte delle riunioni del gruppo di lavoro e dei comitati del Consiglio Europeo sono orientate verso la ricerca del consenso. In ogni caso, le circostanze in cui è stata rinvenuta pratica diffusa l'assunzione di atteggiamenti negoziali più aggressivi coinvolgono discussioni in merito a politiche sensibili o altamente politicizzate al livello domestico. Dunque, si può sostenere che le modalità di negoziazione tra Stati membri in materia di politica commerciale siano contestualmente determinate, ma anche che la tendenza generale consista in una crescente istituzionalizzazione di pratiche di consenso.

Avendo provveduto alla concettualizzazione dell'efficienza di una pubblica amministrazione coerente con lo scopo di questa ricerca, vi sono salde ragioni per ipotizzare che "Maggiore è la il grado efficienza della pubblica amministrazione di uno Stato membro, maggiore è l'influenza esercitata da quest'ultimo sulla posizione negoziale dell'Unione in materia di accordi commerciali internazionali". L'ipotesi identifica l'efficienza di una pubblica amministrazione come variabile indipendente, correlata positivamente alla variabile dipendente, ossia il grado di influenza esercitato sulla posizione commerciale comune.

Il *case study* selezionato per testare l'ipotesi si concentra sui negoziati internazionali tra UE e Canada al fine di concludere l'accordo CETA. Ciò permette di esplorare la totalità delle fasi negoziali, dai processi di derivazione politica interna degli Stati membri, al testo del mandato negoziale deciso dal Consiglio e trasmesso alla Commissione. A tal riguardo, le pubbliche amministrazioni e le relative prestazioni negoziali saranno valutate con un modello comparativo applicato ad un campione di 4 unità. Le unità (Stati membri) sono state selezionate in base alle seguenti variabili di controllo: potere di voto nel Consiglio, data di adesione all'Unione Europea, e

dimensione e natura dell'economia. I paesi selezionati secondo queste variabili sono Francia, Germania, Italia e Spagna.

Attraverso la valutazione qualitativa dei seguenti indicatori è possibile invece provvedere all'operazionalizzazione della variabile indipendente, effettuata dividendo gli Stati membri in due categorie: efficienza amministrativa elevata o limitata. Il primo indicatore fornito è l'abilità di una pubblica amministrazione nel derivare la propria posizione negoziale, attraverso un processo di coordinamento interno tra agenzie governative, ministeri e *stakeholders* privati. A tale riguardo, si ritiene che maggiore il numero di *stakeholders*, pubblici che privati, la pubblica amministrazione di uno Stato membro sia in grado di consultare, maggiore la probabilità che la politica commerciale di tale Stato rifletta la *optimal policy position*. Per quanto riguarda la consultazione degli *stakeholders* privati, è stato constatato che le pubbliche amministrazioni di Francia, Germania, Italia e Spagna applichino pratiche simili. La pratica comune consiste in un sistema strutturato di incontri e conferenze, che forniscono l'autorità centrale con la costante consapevolezza della distribuzione degli interessi nella società civile. Questo sistema viene applicato in modo permanente, indipendentemente dalla presenza di negoziazioni. Inoltre, i paesi selezionati sono indistintamente dediti all'integrare tali strutture permanenti con riunioni consultive ad hoc, organizzate durante le fasi iniziali delle negoziazioni a fine di ottenere informazioni dettagliate su interessi di natura più specifica. D'altra parte riguardo la consultazione tra *stakeholders* pubblici, è presente un certo grado di variazione tra i paesi selezionati. È stato evidenziato che per la derivazione della posizione commerciale domestica, la Francia fa affidamento sul lavoro di quattro ministeri, mentre la Germania sul lavoro di un singolo ministero. L'Italia e la Spagna hanno entrambe fatto affidamento sul lavoro due ministeri.

Il secondo indicatore selezionato consiste nell'abilità di uno Stato membro nel prioritizzare i vari obiettivi contenuti nella propria posizione negoziale. Ciò comporta la classificazione obiettivi in base al loro grado di salienza come percepita al livello domestico.. In quest'ottica, si presume che quanto più gli stati membri attribuiscono un elevato grado di priorità ad un obiettivo, tanto più questo Stato membro sarà in grado di conseguirlo. Ciononostante, anche il numero di obiettivi attribuiti con un elevato grado di rilevanza svolge un ruolo nel determinare l'esito dei negoziati. Per quanto riguarda questo aspetto, si presume che maggiore il numero di

obiettivi attribuiti con un considerevole grado di priorità, minori le possibilità che vengano raggiunti con successo nella loro totalità. Quest'ultima affermazione riflette la natura stessa dei negoziati, in cui, come nelle parole di Hampson e Zartman (2012), "studiamo chi ottiene cosa dando cosa in cambio". Per produrre risultati rispetto a questo indicatore, il primo passo consiste nell'individuazione di nove delle principali questioni politiche discusse dal Consiglio durante i negoziati per il CETA (beni di consumo, agro-alimentare, investimenti, servizi, appalti pubblici, beni industriali, Indicazione geografica, (RoO) Regole di origine e (IPR) Diritti di proprietà intellettuale). Quindi, esplorando gli ordini del giorno, i report degli incontri dei gruppi di lavoro del Consiglio (ad esempio, commissione per l'agricoltura, indicazioni geografiche, servizi e investimenti, appalti pubblici, commercio di merci ecc.), sono state ottenute le informazioni concernenti il grado di priorità attribuito a ciascun tema dagli Stati selezionati. A tale riguardo, è stato riscontrato che la Francia attribuisce un alto grado di priorità a otto politiche tra le nove, la Spagna è risultata dare la priorità a sette politiche su nove ed Italia e Germania entrambe sei. Ciò implica che Germania e Italia saranno favorite rispetto a Francia e Spagna nell'influenzare la posizione commerciale comune dell'Unione in merito agli obiettivi a cui hanno attribuito il maggior grado di rilevanza.

La qualità e la quantità delle risorse umane impiegate dalle Rappresentanze permanenti dei singoli Stati a Bruxelles rappresentano il terzo e il quarto indicatore per operazionalizzazione dell'efficienza delle pubbliche amministrazioni. I funzionari, i rappresentanti e gli esperti sono il braccio operativo dei governi nazionali a Bruxelles, i quali svolgono sia funzioni di controllo (monitoraggio) che negoziali. In merito si presume che gli Stati membri con una maggiore quantità di personale siano più organizzati e più efficienti nella raccolta e nell'elaborazione di informazioni utili. Considerando che Francia e Spagna impiegano un numero maggiore di risorse umane, si sosterrà che questi due paesi hanno maggiori probabilità rispetto alla Germania e all'Italia di essere efficienti nella raccolta di informazioni rilevanti per la negoziazione e, quindi, per conseguire i propri obiettivi. Tuttavia, anche il background professionale e l'esperienza di questo personale sono fattori predittivi per la valutazione della qualità delle informazioni raccolte e l'efficacia delle strategie negoziali applicate. A tale riguardo, esperti in economia e in negoziazione internazionale sono considerati più efficaci del personale diplomatico nel far prevalere la posizione commerciale domestica. Anche nel caso di questo

indicatore i risultati producono una sostanziale varianza. In questo caso, Germania e Spagna godono di una più alta percentuale di esperti in economia o in pratiche negoziali sul totale del personale impiegato, e per questo sono ritenute più efficienti di Francia e Italia nel raccogliere informazioni di alta qualità e applicare strategie negoziali di successo.

Il quadro generale ottenuto dallo studio sulla variabile indipendente suggerisce che Francia, Germania e Spagna sono tra i best performers in due dei quattro indicatori forniti, mentre l'Italia solamente in uno. Per questa ragione, Francia, Germania e Spagna sono categorizzate come aventi un elevato livello di efficienza amministrativa e l'Italia come avente un limitato grado di efficienza amministrativa.

L'operazionalizzazione della variabile dipendente, ovvero il grado di influenza esercitato, viene effettuata attraverso la valutazione delle performances negoziali di ciascun paese, ponderato sul grado di rilevanza attribuito dagli Stati membri ai propri obiettivi negoziali. Le questioni politiche sono selezionate secondo la stessa logica applicata nello studio dell'abilità di prioritizzare, comprendendo sia i settori tradizionali dell'economia che gli aspetti normativi del commercio (vale a dire gli investimenti, appalti pubblici, sostenibilità, ecc.). Per discutere i risultati ottenuti in merito all'influenza esercitata dai singoli Stati la ricerca si basa su una formula in grado di produrre dei valori nominali relativi alla performance negoziale di ciascun paese, ponderata sul grado di priorità dei loro obiettivi. L'attribuzione di un elevato grado di rilevanza ad un obiettivo può essere spiegata come conseguenza dei seguenti scenari. In primo luogo, l'azione coordinata degli *stakeholders* privati può incoraggiare il Governo nazionale a proteggere i loro interessi. In secondo luogo, la percezione della sensibilità politica delle questioni negoziali può variare da paese a paese. Infine, la natura stessa della struttura economica di uno Stato può imporre al governo nazionale la "protezione" di settori chiave della propria economia. In ogni caso, è già stato riscontrato come una sostanziale varianza nel numero di obiettivi contrassegnati come urgenti dagli stati membri selezionati sia presente. D'altra parte, i risultati relativi alle prestazioni negoziali presentano una variazione piuttosto insignificante. Ciò evidenzia la necessità di tenere conto della rilevanza degli obiettivi negoziali nella valutazione della performance. Ad ogni modo, i valori nominali prodotti dall'applicazione della formula sopra citata hanno evidenziato come la Germania, seguita da Francia, Spagna e Italia in quest'ordine, sia lo stato che

ha influenzato con maggior successo la posizione commerciale comune dell'Unione derivata per i negoziati commerciali relativi al CETA. Dato che gli Stati aventi un'elevata efficienza amministrativa sono anche gli stati che hanno esercitato un più alto grado di influenza sulla posizione commerciale comune dell'UE, l'ipotesi è stata confermata.

Purtroppo, il fatto che i risultati prodotti da questa ricerca confermino l'ipotesi, non fornisce prove sufficienti a sostegno di una relazione causale tra l'efficienza di una pubblica amministrazione e il successo negoziale di uno Stato membro. Infatti, È stato possibile collegare l'efficienza amministrativa di uno Stato membro al grado di influenza esercitato solamente escludendo fattori come il potere di voto nel Consiglio, le dimensioni dell'economia di uno Stato membro e la sua data di adesione all'Unione, considerati come gli indicatori più evidenti dell'influenza esercitata dai singoli Stati, come confermato dalla letteratura. In aggiunta, il fatto che lo studio sia focalizzato su eventi accaduti nel passato può minare l'applicabilità dei risultati di questa ricerca in due modi diversi. Da un lato, è possibile che in un periodo di tempo relativamente breve le procedure come analizzate in questa ricerca possano subire modifiche. Ciò è probabile se si considera che parte del processo di elaborazione delle politiche commerciali dell'UE è condotto al livello informale, e dunque non vincolato dai Trattati. D'altro canto, è importante ricordare che l'autorità centrale degli Stati centrali è soggetta ad elezioni e quindi ad una potenziale discontinuità politica, riflessa dalla diverso grado di rilevanza attribuito alle preferenze degli *stakeholders* pubblici e privati.

Un altro elemento capace di influenzare i risultati negoziali tra stati membri dell'Unione riguarda la natura delle preferenze dei singoli Stati membri o, in altre parole, la loro fortuna. Le preferenze di uno stato possono essere, vicine o distanti dal compromesso negoziato su un determinato tema. Ciò è implicito nella natura dei negoziati del Consiglio, consistente in 28 attori in cerca di compromessi e che in questo modo favorisce gli Stati che mantengono posizioni moderate. Un altro modo in cui la natura delle preferenze influisce sui risultati dei negoziati sulla politica commerciale intra-UE riguarda le preferenze della Commissione europea. Gli Stati membri con preferenze più vicine a quelle della Commissione (es. Mercato aperto, abbattimento delle tariffe) hanno più probabilità di apprezzare compromessi

negoziali rispetto agli Stati che detengono posizioni distanti da quella della Commissione.

Infine, lo studio ignora anche il ruolo svolto dagli *stakeholders* della società internazionale (cioè attori internazionali non-statali) come ONG, gruppi di interesse, sindacati, *lobbies* ecc. A tal proposito, la Commissione Europea applica uno schema istituzionalizzato di dialoghi che regolano il processo di consultazione con questi attori al livello Europeo. Le preferenze della società internazionale sono quindi prese in considerazione nelle negoziazioni interne all'UE, essendo riportate agli Stati membri dalla Commissione durante le riunioni dei gruppi di lavoro e dei comitati del Consiglio.

Avendo discusso le questioni che limitano l'applicazione dei risultati ottenuti in questa ricerca ad una ristretta gamma di casi studio, si può ribadire che, tra paesi con caratteristiche simili, il grado di efficienza amministrativa può essere un fattore predittorio per il grado di influenza esercitata da uno Stato sul processo di derivazione della politica commerciale comune Europea. Per sostenere la validità di questi risultati, è necessario condurre ulteriori ricerche sul ruolo svolto dalle pubbliche amministrazioni al livello Europeo. Considerando il crescente ruolo dell'UE sullo scacchiere internazionale, e considerando la natura mista della politica commerciale, divisa tra processi intergovernativi e sovranazionali, formali e informali, la letteratura sulla politica commerciale dell'UE sarà sicuramente arricchita sotto questi aspetti.