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EU TRADE AGREEMENTS AND EUROPEAN INTEGRATION

COMMISSION AUTONOMY OR COUNCIL CONTROL?

Markus Gastinger



‘In his rich, rigorous, and readable book, Markus Gastinger explores how the European Commission, despite being the ostensible servant of the EU’s member states, has both influenced and benefited from the development of the EU’s external trade policy. He argues, and demonstrates vividly, that the Commission possessed the motivation, the means, and the opportunity to play a long game, nudging EU member states gradually toward ever wider and institutionally deeper trade agreements – and with them the Union as a whole’.

– **Mark Pollack**, *Temple University, United States*

‘EU Trade Agreements and European Integration is a must-read, exhaustive study of over 50 EU bilateral trade agreements. The Common Commercial Policy has been at the heart of European integration from the beginning, but how has the European Commission’s power to negotiate trade agreements transformed the internal EU institutional balance of power? Gastinger provides a compelling argument, based on rich empirical material, about the consequential impact of trade agreements, one at a time, on European integration, the relative power of the Commission, and the EU’s role as a global actor’.

– **Sophie Meunier**, *Princeton University, United States*

‘Gastinger’s book is a tour de force of EU trade policy and its role in the integration process. It is impressive in scope and covers trade negotiations over the entire EU history. It is informative and original. Great scholarly work’.

– **Jens Blom-Hansen**, *Aarhus University, Denmark*

‘The book is a most remarkable exploration of the role of the Commission and the Council in shaping EU trade agreements pointing out important institutional implications on the division of power in European foreign trade policy. A must read for all interested in EU policy making’.

– **Adrienne Héritier**, *European University Institute, Italy*

‘This carefully crafted volume relies on a rich empirical basis, gained from archival research, to test a novel argument on the role of the European Commission in EU trade policy. It is highly recommended reading for all those interested in better understanding the EU and its external relations’.

– **Andreas Dür**, *University of Salzburg, Austria*

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Introduction

The European Union (EU) is not a state. Unlike states, which universally enjoy sovereignty rights serving as an entry ticket to the theatre of world politics (Jupille and Caporaso, 1998, p. 215), the EU as a regional international organisation first had to carve out a place for itself in a world historically dominated by nation states. Today the EU, while still not a state, in many areas comes very close to acting like one internationally. Three examples illustrate this point. First, the EU is a major actor in the multilateral trade regime, becoming a formal member of the World Trade Organization (WTO) in 1995, where it is represented by the European Commission. Second, the EU became a member of the Group of Seven (G7) from around the 1980s and was a founding member of the G20, which is comprised of 19 countries plus the European Union, represented by the Commission in tandem with the Council Presidency. Third, the EU is involved in high-stakes negotiations, such as the Iran nuclear deal, where it was represented by the High Representative of the Union for Foreign Affairs and Security Policy, who at the same time serves as Commission Vice-President. These examples also make clear who the main beneficiary of the EU's advent on the world stage was – the European Commission. In this book, I argue that the Commission was not only the main beneficiary – it was also the main driving force.

That is not to claim that the EU enjoys access to each and every international organisation. The EU's role varies substantially, being accepted primarily into international organisations if it can act in areas relevant for the organisation, such as trade in the case of the WTO (Blavoukos and Bourantonis, 2010; Gehring *et al.*, 2013). Still, it is no exaggeration to assert that the EU plays a role in some international organisations comparable to nation states. The G7 is an interesting case also because the Commission was given access only in 1977, two years after its first summit, and expanded its role due to its 'political' authority (Huigens and Niemann, 2011, p. 642). While there was no significant Treaty revision in the 1970s or early 1980s to help explain this shift, there was plenty of 'interregnum integration' (Stacey and Rittberger, 2003) in form of wider and institutionally deeper trade agreements, as I show in this book, which is a significant piece of the puzzle explaining the EU's increasing clout in world politics.¹

In short, I argue that the Commission used its competence in trade to enhance its external 'action capability' (Gehring *et al.*, 2013) and become a truly global actor capable of behaving 'actively and deliberately in relation to other actors in

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the international system' (Sjöstedt, 1977, p. 16). At first, the link between trade and an area even as unrelated as Common Foreign and Security Policy may seem far-fetched. But, in fact, the Commission used its trade competence from the beginning of this process – during the formation of European Political Cooperation (EPC) in the 1970s – as a 'convenient procedural excuse' (Smith, 2003, p. 156) to be included in decision-making, given the importance of trade policy for wider foreign-policy objectives. One experienced observer even described the growing role of the European Commission in the EPC as 'one of the most notable institutional changes in European foreign policy' (Smith, 2003, p. 157). The EPC may have been the more 'dramatic' development, but trade was the more 'consequential' (Smith, 1998, p. 78). When considering that the Commission did not hesitate to link its trade competence to expand its role in EPC, the argument that it used the same strategy to expand its actor capability via bilateral trade agreements into many other (not directly related) areas becomes much more plausible. This is the argument I expound in this book.

The EU had bilateral relationships with other countries from its inception.² But its depth varied markedly across world regions. Due to the colonial legacy of some founding states, principally France, association with half of Africa fell into the Commission's lap without much need to resort to any autonomous actions. Association agreements are the most comprehensive ties the EU can establish with foreign countries. In addition to francophone Africa, the EU concluded association agreements with many European and Mediterranean countries early in its development. The first association agreement in Europe was signed with Greece in 1961, followed by Turkey in 1963. With Northern Enlargement and the accession of the United Kingdom, the EU's ties expanded into Africa, the Caribbean, and Pacific. Still, Asia and Latin America eluded the Commission's reach for a long time. This gap was closed gradually, starting in the 1970s, with a series of bilateral trade agreements that are the focus of this book.

These trade agreements raise important questions for the study of European integration. How did the EU complete its external dimension and gradually expand its ability to interact with foreign states? Is the process of European integration driven by national governments in the Council, as intergovernmentalists maintain? Or the European Commission, as supranationalists hold? If the latter, in which areas and how could the Commission exert autonomous influence over an area as sensitive as EU external relations? Since the trade agreements included in this book define the commercial and wider relationship with some of the world's major countries, such as China and India, their content was of significant interest to both the European Commission and the Council of Ministers. Given their saliency to both the Commission and the Council, these trade agreements shed new light on who drives European integration in the face of inter-institutional contestation.

0.1 The argument in brief

In this book, I argue that the European Commission used its exclusive competence in trade to purposefully integrate the EU's external dimension by continuously

expanding the substantive scope and institutional depth of trade agreements. EU trade agreements substantively widened in scope along two dimensions (see Table 0.1). First, EU agreements went beyond commitments tied to the WTO, which Horn and colleagues (2010) term WTO+ issues, such as trade in services or investments. Second, EU agreements contained issues extending beyond the WTO, also called ‘WTO-extra’ (WTO-X) issues (see also Milewicz *et al.*, 2016; Yildirim *et al.*, 2021). These are often more political, such as labour standards (Harrison *et al.*, 2019), environmental cooperation (Lechner, 2016), human rights (McKenzie and Meissner, 2017), migration (Jurje and Lavenex, 2014), political dialogue (Borchert *et al.*, 2021; Szymanski and Smith, 2005), or even security issues such as terrorism (Ariel and Haftel, 2021). While the first dimension can also be subject to inter-institutional conflict when it comes to transferring issues to the EU level (Freudspurger, 2021; Meunier, 2017; Meunier and Nicolaïdis, 1999), the second dimension is more relevant for this book. As Horn and colleagues find, the EU includes WTO-X issues in its trade agreements far more frequently than the United States. Often these references are fleeting and carry little legal weight (Postnikov and Bastiaens, 2014). I argue that this ‘legal inflation’ (Horn *et al.*, 2010, p. 1568) goes back to a purposeful strategy by the European Commission to expand its external action capability by increasing the scope and institutional depth

Table 0.1 Selected WTO+ and WTO-X provisions included in EU bilateral trade agreements

WTO+	WTO-X		
FTA industrial goods ¹	Competition policy	Economic policy dialogue	Regional cooperation
FTA agricultural goods ¹	Environmental laws	Education and training	Research and technology
Customs cooperation	IPR ²	Energy	SME
SPS	Investment	Financial assistance	Social matters ⁵
Technical barriers to trade	Labour market regulations	Human rights	Statistics
State-trading enterprises	Movement of capital	Illegal immigration	Terrorism
Antidumping	Consumer protection	Illicit drugs	
Countervailing measures	Data protection	Industrial cooperation	
State aid	Agriculture ³	Information society	
Public procurement	Audio visual	Mining	
GATS	Innovation policies ⁴	Political dialogue	
TRIPs	Cultural cooperation	Public administration	

Source: Author’s table based on information included in Horn, Mavroidis, and Sapir (2010).

Notes: ¹ Includes tariff and non-tariff measures; ² excluding fields referenced in the TRIPs; ³ assistance for modernisation projects and exchange of information; ⁴ participation in framework programmes and promotion of technology transfers; ⁵ coordination of social security systems and non-discrimination regarding working conditions.

Abbreviations: SPS – Sanitary and Phytosanitary measures; GATS – General Agreement on Trade in Services; TRIPs – Agreement on Trade Related Aspects of Intellectual Property Rights; IPR – Intellectual Property Rights; SME – Small and Medium Enterprises.

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of agreements, rather than taking a hard stance on specific policy outcomes.³ By including more issues, even if only superficially, the Commission has more discretion during implementation to take initiatives with third countries that concluded trade agreements with the EU. By striking ever wider agreements with ever more countries, the Commission transformed the EU into a truly ‘global political actor’ (Szymanski and Smith, 2005, p. 173) – one trade agreement at a time.⁴

Apart from substantively wider agreements, the Commission also preferred trade agreements with deep institutional pockets by installing powerful ‘joint bodies’ (JBs). These bodies bring together representatives from the EU and the third country to monitor agreement implementation. The Commission is always present when these bodies meet, whereas EU member states may or may not take part in these negotiations (Gastinger and Dür, 2021). Joint bodies, in certain instances, even take binding decisions or amend the agreement (Dür and Gastinger, 2023; Tyushka *et al.*, 2022). Even if just issuing recommendations, they leave a lasting imprint by shaping expectations about future behaviour. Their key importance for the EU today is succinctly summarised by the Commission itself when observing that ‘[m]eetings with third countries take place primarily in the context of ... *bilateral* agreements’ (2012, p. 22; italics added). If perceptions of sovereignty in international relations depend more on interactions with foreign officials than a formal status such as ‘state’ or ‘regional organisation’, the Commission can make great use of its ‘complicated web of institutionalised bilateral links’ (Bretherton and Vogler, 2006, p. 76) to ensure regular interactions with foreign officials.

This explains the Commission’s *motive* for seeking wider and institutionally deeper agreements over time. But how are we to know that it was, in fact, the Commission that propelled this trend rather than, for example, activist national bureaucrats in the Council favouring a united Europe, using the Commission only as their tool? To answer this question, I primarily draw on principal–agent theory, which is a popular offshoot of rational-choice institutionalism and widely used to investigate the effects of delegating authority to the Commission (Delreux and Kerremans, 2010; Dür and Elsig, 2011; Franchino, 2007; Gastinger and Adriaensen, 2019; Gastinger and Heldt, 2022; Pollack, 2003; Tallberg, 2002) and international bureaucracies, more broadly (Haftel and Thompson, 2006; Hawkins *et al.*, 2006; Johnson, 2014).

In terms of *means*, I distinguish three sources of Commission autonomy to shape bilateral trade agreements. First, conflict among governments in the Council, which may agree, primarily, that they want some trade agreement with a given third country. Second, the Commission can exploit information asymmetries, which may be biased in its favour due to its elevated position in the negotiations as the EU’s chief negotiator. This also includes the possibility of forming strategic interactions with third countries, based on a genuine coalescence of interests given that third countries also often prefer wider and deeper agreements with the EU (Gastinger, 2016). Third, the European Commission has agenda-setting powers by being able to confront the Council with an initialled final agreement that requires a straight up-or-down vote. While it is possible for the Council to vote down an agreement and send the Commission back to the negotiating table, there are costs

associated with that decision that give the Commission leeway to include issues that the Council itself would not include.

Still, this is only one side of the coin. To really trace back outcomes to the Commission, we need to establish that it had the *opportunity* to act autonomously, meaning here that the mechanisms of Council control were absent or ineffective.⁵ The three sources of Commission autonomy can be tied to specific control mechanisms. First, negotiations always begin with negotiating directives adopted by the Council, which are a list of issues of what EU governments want. These directives give the Council a chance to overcome differences and constrain the Commission early. Second, the Council can establish monitoring mechanisms, such as through the ‘Article 133’ Committee, which mitigate their information asymmetry with the Commission. Third, the Council can adjust the legal basis to ensure unanimity is required for ratification, allowing it to issue credible threats of non-ratification to counter the Commission’s agenda-setting power. If sources of Commission autonomy and mechanisms of Council control point in the same direction, which can be tested largely independently of one another, our confidence in the finding that the Commission acted autonomously increases considerably.

In the book, I show that the Commission shaped trade agreements through two mechanisms that changed over time. In earlier periods, it acquired private information in the pre-negotiation phase (the phase before the Council adopts negotiating directives), often forming a strategic interaction with third countries to shape outcomes. Correspondingly, monitoring mechanisms by the Council were absent during the pre-negotiations. More contemporaneously, the Commission relied more on its agenda-setting power to link issues. EU governments in the Council were faced with the choice of adopting wider and deeper trade agreements; or not adopting trade agreements at all. Correspondingly, while the Council increased its monitoring capacities in the pre-negotiations, it could not effectively limit the Commission’s autonomy by requiring unanimity. Over the entire period, the Commission displayed a keen interest in wider and institutionally deeper agreements, concentrating its autonomy in those areas. The Commission struck ever newer ‘generations’ of bilateral trade agreements and used them as templates to conclude new (or update old) agreements with third countries to increase its external action capability. Overall, I find convincing evidence that the Commission integrated the EU’s external dimension through bilateral trade agreements.

0.2 Contributions to the literature

This book speaks to several strands in the literature. It makes an original contribution to studies on European integration, which tend to focus on high-profile events such as intergovernmental conferences, which the EU convenes to enact constitutional changes. Since these events punctuate the EU’s history and are subject to constant (re-)interpretation (Lustick, 1996, p. 608; Moravcsik, 2013, p. 779), this is perfectly understandable. Still, policy and polity decisions often ‘intermesh’ (Héritier, 1999, p. 11), particularly in the case of international agreements, which are part of the EU’s ‘external’ *acquis communautaire* (Cremona, 2020) and can

be superior to secondary law, if the agreements, or the decisions taken by their joint bodies, are binding (Wouters *et al.*, 2021, p. 436). The Commission strives to expand its powers in between intergovernmental conferences, in what has been described as ‘interregnum integration’ (Stacey and Rittberger, 2003), ‘de facto constitutional’ decisions (Falkner, 2002) or ‘interstitial’ (Farrell and Héritier, 2007) change. This demands a broadening of the research agenda beyond Treaty changes. In terms of differentiated integration, my book details different degrees of external differentiation in the period from 1970–2008 with countries beyond Europe (see also Lavenex, 2011). A focus on constitutional changes would suggest that European integration stagnated between Rome and the Single European Act (Leuffen *et al.*, 2013, p. 20). But, rather than a period of Eurosclerosis, my book adds to a growing body of research noting how integration deepened in this period (Franchino, 2007, p. 83), at least in some areas (Héritier *et al.*, 2013, p. 72).

As important as the question of when European integration advanced, is the question of which actors inside the EU propelled this development. Neofunctionalists, while initially sceptical about the ability of supranational institutions to push integration (Haas, 1958, Chapter 12), later noted that actors such as the Commission ‘cultivate’ spillovers by making the case for deeper integration (Nye, 1970, p. 804). The Commission also enjoys specific procedural rights to advance European integration (Lindberg, 1963, p. 32). Two key neofunctionalists noted that the Commission’s authority was ‘perhaps most spectacular in international commercial negotiations’ (Lindberg and Scheingold, 1970, p. 188), where it replaced member states almost entirely on the international scene. This lends further credence to the argument that the Commission used exactly this area to push integration forward.

Liberal Intergovernmentalists, by contrast, claimed that the European Commission is a neutral agent with ‘marginal powers’ in trade policy because it is monitored by the Council and requires ex-post approval for everything it negotiates (Moravcsik, 1993, pp. 511, 513). More generally, Liberal Intergovernmentalism argued that the European Commission failed to shape European integration because it had no informational advantages over member states (Moravcsik, 1998, pp. 54–60). While this may be true for intergovernmental conferences (but see Beach, 2005), the informational configuration in international negotiations is more variable, underlining the need for mid-range theories rather than one universal ‘baseline’ (Moravcsik, 1999, p. 171) applicable to all areas of European integration. This debate on the balance of power between member states and supranational actors is far from settled, as various more recent books demonstrate. Parsons (2003), Niemann (2006), Jabko (2006), Risse (2010) or McNamara (2015) ascribed a crucial role to supranational actors. By contrast, Rosato (2011), Bickerton *et al.* (2015) and Kleine (2013) recently developed arguments closer to the intergovernmental end of the spectrum. This book is another example of where the Commission managed to shape European integration, here through the strategic use of the EU’s ‘market powers’ (Damro, 2012) exercised through trade agreements.

Principal–agent theory sought to overcome the Intergovernmentalism versus Neofunctionalism dichotomy (Kassim and Menon, 2003) by generally

acknowledging a self-reinforcing dynamic of European integration but not in all areas (Pollack, 2003). Principal-agent theory also provides the framework for my argument on Commission autonomy. While I argue that Neofunctionalism foreshadowed most *sources* of Commission autonomy, principal-agent theory is more systematic when it comes to incorporating mechanisms of Council *control* (Blom-Hansen, 2005; Gastinger and Heldt, 2022). Moreover, principal-agent theory facilitates interdisciplinary dialogue through the identification of a ‘common problem structure’ (Eisenhardt, 1989, p. 64). Therefore, this book also develops an argument on why principal-agent theory is preferable to competing theoretical approaches gravitating around the question of Commission influence, even if not considered a ‘grand’ theory of European integration (Hooghe and Marks, 2019).

The literature on EU trade agreements was originally concerned with the European Commission’s role in multilateral trade negotiations within the WTO (Conceição-Heldt, 2011a; Pollack, 2003, pp. 265–281). But in the late 1990s and given the stalemate on many issues in the WTO, the EU shifted to bilateral negotiations to crack open foreign markets, also at the behest of the European Commission (Elsig, 2007; but see Meunier, 2007). Still, as this book shows, the EU concluded trade agreements far earlier, even if falling short of the liberalisation of ‘substantially all’ trade as defined by the WTO. Moreover, Commission autonomy received significant scholarly attention, often from a principal-agent perspective. While some find Commission autonomy (Conceição-Heldt, 2011b; Drezner, 2007, p. 37; Elgström and Larsén, 2010; Elsig and Dupont, 2012), others emphasise Council control (Adriaensen, 2016; Aggarwal and Fogarty, 2004, p. 226; Damro, 2007; Kerremans, 2004; Meissner, 2018, p. 202; Meunier, 2005; Young and Peterson, 2014, p. 35). My book brings these two perspectives together by highlighting that the Commission focuses on the scope and institutional depth of agreements, where it insists on its negotiation autonomy, rather than on questions of specific policy design, where it behaves more akin to a neutral agent and seeks to help bridge competing demands among member states in the Council as its collective principal to secure the conclusion of agreements.

Finally, the book contributes to the scholarly literature on trade agreements, more broadly. The institutional dynamic behind the negotiation of trade agreements in the EU and the European Commission’s interest in expanding its external action capability partly explains why the EU has always been one of the most active signatories of trade agreements (Dür *et al.*, 2014). This has left a mark on the conclusion of trade agreements worldwide, as other states have been spurred into action and concluded more trade agreements themselves. Interestingly, this dynamic may not only have been at play concerning the number but also the design of trade agreements, which have become broader beyond the EU by lowering the costs committing to cooperation in these areas if already included in previous agreements (Milewicz *et al.*, 2016). The argument in this book thus also complements a domestic-politics perspective of why new areas have been included in EU agreements first (Lechner, 2016; Raess *et al.*, 2018).

0.3 Methodology and sources

Methodologically, this book derives its findings from meticulous process tracing of six carefully selected in-depth case studies spanning four decades of European integration. A case study approach is defined as an ‘intensive study of a single unit with an aim to generalise across a larger set of units’ (Gerring, 2004, p. 341). Furthermore, the study uses proxy variables as a maximising strategy to increase the probability of observing variation across the three hypothesised sources of Commission autonomy – the primary interest of this study. Proxy variables are necessary since the variables of interest are not directly observable. Moreover, using proxies is a superior case selection strategy than simply picking ‘interesting’ cases (George and Bennett, 2005, p. 83) or a random sample (King *et al.*, 1994, pp. 124–128). Selecting cases based on key causal explanatory variables mitigates the risk of selection bias by not pre-determining the range of outcomes on the dependent variable (King *et al.*, 1994, p. 137f.). Selecting cases on the dependent variable, also, is not available since the different degrees of Commission autonomy are unknown on an across-cases level and known, only for the selected cases, after being subjected to in-depth review in the course of this book.

Furthermore, process tracing allows for fine-grained insights into cases and causal mechanisms. By focusing on the observable implications of each theorised independent variable, the number of theoretically relevant observations are multiplied and the reliability of findings is increased, reducing the risk of inferential errors such as spuriousness (George and Bennett, 2005, pp. 205–224; King *et al.*, 1994, pp. 225–228). This points to the greatest challenge of process tracing, which is that it requires ‘enormous amounts of information’ (George and Bennett, 2005, p. 223). This book illustrates how a longitudinal perspective and use of archival sources helps to overcome this challenge.

Archival material enables rigorous process tracing and the testing of theoretical propositions with higher levels of confidence. While historical work always requires some theoretical background to interpret the facts (Trachtenberg, 2006), this book also exemplifies that archival research is not limited to theoretical perspectives such as Historical Institutionalism. Archives provide scholars of most theoretical persuasions with critical insight into the inner workings of institutions, which increases our ability to explain outcomes. Since ever more archival material becomes available, this is an increasingly promising feature of research designs, particularly in areas where data is otherwise scarce such as external relations (Gastinger, 2016). The archival documents have been collected from the Historical Archives of the European Commission and Archives of the Council of the European Union, both based in Brussels. Thousands of documents have been reviewed for this project, some of them marked secret. Even if only a small percentage ended up being cited in the book, the breadth of documents afforded me unique insight into the negotiation process behind EU trade agreements and reduced the risk of selection bias (Lustick, 1996). These documents include minutes and progress reports by Commission and Council officials for internal use and draft agreements, thereby allowing me to carefully process trace even individual aspects in the negotiations.

For in-depth review of more contemporaneous cases, I rely on data triangulation and draw from multiple sources to cross-check and verify information. First, publicly available sources such as news coverage, policy documents, press releases, or scholarly literature are used. Second, official documents previously undisclosed to the public were collected through my own document access requests. Third, a number of semi-structured interviews with Commission officials involved was carried out to complement information and cross-check findings. Unfortunately, Council officials could not be interviewed since identifying them proved too hard. The fact that only Commission officials were interviewed risks biasing my findings. Still, data triangulation mitigates this bias because erroneous inferences are contradicted at other levels of analysis. Together, these sources provide a robust empirical foundation also for the contemporaneous cases.

0.4 Structure of the book

This book has eight chapters and a Conclusion. Chapter 1 develops the framework for analysis and focuses on the Commission's motive, means, and opportunity to act autonomously. First, I develop my argument on what issues the Commission focuses on in trade negotiations and why ('motive'). In short, I argue that the Commission privileges issues of deeper European integration. On policy issues, it refrains from pushing a specific agenda but concentrates on forging consensus among EU member states. Second, I develop three sources ('means') of Commission autonomy: conflict within the Council, asymmetric information, and its agenda-setting power. In this part, I show that Neofunctionalism contains similar ideas about Commission autonomy but largely fails to systematically account for questions of Council control. Third, since a study on Commission autonomy without attention to Council control is missing an important piece of the puzzle, I focus on three corresponding control mechanisms ('opportunity'): the Council's negotiating directives, monitoring mechanisms, and sanctioning mechanisms. Seven hypotheses are formulated and the observable implications of theory specified. Empirically, the sources of Commission autonomy and Council control are tested independently of one another. If both point in the same direction, our confidence in finding that the Commission acted autonomously increases considerably.

Chapter 2 highlights the process and patterns of EU trade agreements and selects cases from the total population. It explains how different 'generations' of trade agreements provided an ever-stronger bilateral foundation for the EU with foreign countries. Drawing on an original dataset of 50 agreements assembled for this book, I systematically select six cases for in-depth review. Since cherry-picking 'interesting' cases or random selections are inferior sampling strategies, the cases are selected based on the key causal explanatory variables to increase the likelihood of observing variation across them. First, Council conflict is varied by the number of days between EU governments receiving the draft negotiating directives from the Commission and adoption in the Council. Second, asymmetric information is gauged through the agreement's scope because agreements with a wider scope provide the Commission with greater opportunities to acquire private

information. Finally, agenda-setting power is varied in line with the voting rule necessary for ratification in the Council at the end. Six cases correspond to a rather large sample size of over ten percent, which means that the findings can be generalised to all agreements in the population with confidence. Due to the historical development, it is impossible to cover all combinations. For instance, there is no low scope agreement for which unanimous agreement in the Council was necessary. Still, in qualitative case studies adopting process tracing this is less of a concern than in large-N statistical analyses since case studies provide several opportunities to test hypotheses irrespective of the proxies used for the initial selection. Table 0.2 summarises the selected cases.

Chapter 3 contains the first case study, the Commercial Cooperation Agreement (CCA) with India negotiated between 1970 and 1973. Case studies begin with a detailed timeline of the negotiations serving as the basis for the process tracing (for an example, see Table 0.3).

Three issues were contested. First, whether bilateral negotiations with India should be taken up or whether the EU should pursue a regional approach in Southeast Asia. As both of these paths would have allowed for European integration to proceed, I do not consider the question of whether negotiations should be bilateral an issue of integration. Second, the joint EU–India body set up to implement the CCA was intensively discussed throughout the negotiations. Third, whether pre-existing ‘national’ agreements, concluded bilaterally between individual member states and India, should be incorporated into the CCA. This issue centred on whether German and French quotas set up in bilateral trade agreements with India should be superseded (and abolished) by the CCA. As this is essentially a question of how much liberalisation the CCA would entail (and thus not affect the Commission’s external action capability), this is not an issue of integration but policy. The Commission focused on the joint body as the only issue of integration. While the Commission managed to shape the joint body somewhat (together with India), it failed to have

Table 0.2 Summary of agreements selected for in-depth review

<i>Generation</i>	<i>Agreement (year)</i>	<i>Council conflict</i>	<i>Scope</i>	<i>Voting rule</i>
First generation (1970–1977)	India (1973)	High [+]	Low [–]	QMV [+]
	China (1977)	Low [–]	Low [–]	QMV [+]
Second generation (1979–1993)	India (1980)	High [+]	Medium [+]	U [–]
	India (1992)	Low [–]	Medium [+]	QMV [+]
Third generation (1994–2008)	Chile (1999)	High [+]	High [+]	U + NR [–]
	CARIFORUM (2002)	Low [–]	High [+]	U + NR [–]

Source: Author’s table.

Abbreviations: U – unanimity in the Council; QMV – qualified majority voting in the Council; NR – national ratification by member states (‘mixed’ agreement). The plus and minus signs in square brackets indicate the expected effect on Commission autonomy. The year indicates when the negotiating directives were adopted by the Council.

Table 0.3 Timeline of the CCA with India

<i>Date</i>	<i>Title</i>	<i>Description</i>
March 1962	India opens diplomatic relations with the EU	First developing country to do so.
March 1970	Commission prepares a first outline of a trade agreement	The Commission's DG XI (Trade) prepares – together with India – the outline of a possible trade agreement.
May 1970	Council postpones decision	Council decides that the problems of the Asian Commonwealth countries should be addressed after enlargement.
March 1971	Commission meets Indian government	Commissioner Dahrendorf is the first European politician to meet the Indian government after the elections.
July 1971	Commission communication	Summarising the results of the Commission visit in March. The Commission reserves the right to begin trade negotiations.
May 1972	Commission turns to Luxembourg Presidency	The Commission is unsure how member states would react to its proposal to open negotiations with India.
July 1972	Draft Negotiating Directives	The Commission adopts the draft negotiating directives.
December 1972	Council takes political decision to open negotiations	Ministers give green light for opening negotiations with India. COREPER prepares negotiating directives.
April 1973	Negotiating Directives / Negotiating Round (1)	Council approves negotiating directives and the first negotiating round takes place (without the 133 Committee).
July 1973	Negotiating Round (2)	113 Committee meets 'several times' during the round.
October 1973	Negotiating Round (3)	113 Committee meets five hours before the round.
November 1973	Meeting Commission-India	Meeting between Commissioner Soames and Indian Minister of Commerce Chattopadhyaya closing the deal.
December 1973	Council accepts final text / agreement signed	Council accepts the final text. The agreement is signed.

Source: Author's table.

national quotas abolished. Regarding sources of autonomy, Council conflict and asymmetric information explain the outcome.

Each empirical chapter contains a table summarising the issues, spatial positions of the European Commission and governments in the Council (incl. the Council's collective position as defined in the negotiating directives), the position of the third country to avoid omitted variable bias, and the outcome (see Table 0.4). This follows the practice of the decision-making in the European Union dataset (Thomson *et al.*, 2012; Thomson *et al.*, 2006). Even if the positions cannot be put on a scale ranging from 0 to 100, my simplified tables proved helpful to assess the extent to which the Commission shaped outcomes. Homogenous groups of countries with similar preferences are separated by dashes and placed closer to one of two poles. If a country proved an outlier, this is indicated by two dashes. The result is a spatial sketch of actors' positions on all issues.

Chapter 4 analyses the trade agreement with China (1975–78). This was the first trade agreement with a state-trading country, leading the EU to accord enormous importance to the negotiations not to set a wrong precedence for future agreements. The Commission was eager to see a transport clause included and, again, a strong joint body. Both issues belong to the integration dimension. A third issue discussed was the inclusion of a price clause to protect EU producers from Chinese imports. As an issue of policy, the Commission took a limited interest in the substantive outcome, instead focusing on bridging divisions among member states. Moreover, the Commission found it hard to shape China's view on what the trade agreement should look like. Still, the Commission attempted to use asymmetric information and Council conflict to shape the trade agreement, albeit unsuccessfully.

Chapter 5 covers the commercial and economic cooperation agreement negotiated with India from 1978 to 1981. Again, the Commission put a clear focus on strong joint bodies. Furthermore, the Commission argued that economic provisions in the agreement should take precedence over national provisions concluded between India and member states bilaterally. This case reveals a particularly interesting variation in sources of autonomy. The Commission first attempted to use Council conflict but to little avail. By contrast, asymmetric information proved a key source of Commission autonomy. Moreover, the Commission used agenda setting to decisively shape the outcome by overcoming French resistance at the end. This case is interesting also when compared to the first negotiation with India from Chapter 4, as it suggests that the Commission learned from its mistakes in the previous negotiations, showing the dynamism of principal–agent relationships.

Chapter 6 looks at the Cooperation Agreement on Partnership and Development (CAPD) with India (1992–1993). Two issues were discussed. First, the expansion of the scope of cooperation between the EU and India in the form of development cooperation. Second, making human rights an 'essential element' of their cooperation. The first issue falls into the integration dimension by enabling the Commission to act in an increasing number of areas, while the second is more one of policy. Both issues were contested by some member states in the Council, particularly Portugal, resulting in a key case before the European Court of Justice (ECJ) whether the CAPD required unanimity for ratification. The ECJ upheld

Table 0.4 Issues discussed in the CCA, positions of individual actors, and outcome

<i>Issue (integration)</i>	<i>Commission</i>	<i>Member States (negotiating directives)</i>	<i>India</i>	<i>Outcome</i>
Bilateral negotiations	Yes	EC6) Yes : BE, IT, LX – FR : No EC9) Yes : BE, DK, IE, IT, LX, UK – DE, NL – – FR : No	Yes	EU6) No EU9) Yes
Joint body	Executive body	Administrative body (FR, IT – BE, DE, NL)	Executive body	(Semi-)Administrative body
National quotas	Abolish	Abolish : Several – DE – FR : Keep autonomously	Abolish	Keep autonomously

Source: Author's table.

Abbreviations: EU member states are abbreviated with their two-letter ISO codes.

ratification by a qualified majority. More importantly, it noted that trade and cooperation agreements can increase in substantive scope as long as these provisions were not binding and did not commit the EU to a specific course of action. The CAPD thus enabled the Commission to use agenda setting to strike substantively wider agreements with other countries. This opened the door to an array of topics that the Commission could address in its bilateral relationships for years to come, as long as they were not legally binding (cf. the notion of ‘legal inflation’ above).

Chapter 7 studies the Association Agreement with Chile (1998–2002), which was the first association agreement with a country in Latin America. Hence, the agreement set a precedent in that it proved that the EU could conclude association agreements with countries beyond Europe’s closer proximity and beyond former European colonies. The agreement with Chile is also the first full free trade agreement liberalising ‘substantially all’ trade tackled in the book. The Commission pursued an ambitious trade agenda in terms of liberalisation, which is not an issue of integration, but had to be fulfilled for the agreement to be in conformity with WTO law. Moreover, full trade agreements tend to include a greater number of issues and even stronger institutional provisions. The Commission could thus increase its external action capability by striking a comprehensive agreement. In terms of sources of Commission autonomy, the agreement arguably continues the trend towards a bigger role for agenda setting. I argue that the threat of non-ratification has, at the time, lost most of its credibility because of the economic benefits associated with the agreement. This increases the importance of monitoring in the negotiations as they unfold, which is also how the Council exerted control and is in clear contrast to earlier case studies.

The case study in Chapter 8 deals with the Economic Partnership Agreement with CARIFORUM (C-EPA), negotiated between 2002 and 2007. Interestingly, here the Commission did not press to include WTO-X issues in the agreement. I argue that this is fully in line with the theoretical argument developed in the book. The C-EPA only replaced the economic parts of the Cotonou Partnership Agreement (CPA), where most WTO-X issues were already included. There was no need for the Commission to duplicate these areas in the EPA because it already acquired external action capability through the CPA. Pushed by the Caribbean states, the Commission later softened this approach and allowed the C-EPA to develop a stronger development cooperation component. As EU member states only eventually supported this move, I argue that this is an instance of Commission autonomy due to Council conflict. On the joint body, there was a conflict between the Commission and member states on who should speak for the EU during meetings of the Joint Council. Here, member states eventually carried the day. Finally, the question of market access loomed large and spurred conflict with the Council. In the end, the Commission managed to shape big parts of the agreement through its agenda-setting powers.

The Conclusion summarises the findings of all case studies in light of the hypotheses developed in Chapter 1. Overall, I argue that the European Commission always exerted a significant impact on trade agreements but its primary source of autonomy changed, from asymmetric information in earlier agreements to agenda

setting in later ones. The Conclusion then presents the book's key theoretical contributions: a major role for the Commission in advancing European integration, a coherent account of the EU's emergence as a global actor, the Commission's transformation from being concerned about its actor status to developing an actor profile, and an enduring role for the Commission through the joint bodies set up in trade agreements. Methodologically, I reflect on the added value of archival research for studying the EU and other institutions. The closing section ends with normative implications of my book. I argue that Commission autonomy is legitimised from an output-oriented perspective because it allowed the EU to exert greater influence in trade negotiations due to its bigger collective size and in many areas, such as development cooperation and economic cooperation, the EU became an 'additional' actor of world politics, benefitting EU member states without diminishing their own authority to act.

Notes

- 1 I use the term *bilateral* trade agreement not in a strict sense to refer only to negotiations between the EU and *one* third country. I include in it also interregional negotiations, such as the trade agreement with CARIFORUM, which brings together the EU plus its 27 member states and 15 CARIFORUM states – and thus no fewer than 43 parties overall (see Meissner, 2019, on how the EU chooses between bilateral or interregional negotiations).
- 2 For reasons of consistency and readability, I use 'EU' throughout this book also to refer to its legal predecessors, such as the European Economic Community (EEC) or European Community (EC). I use earlier designations only when stressing specific time periods.
- 3 To increase its external action capability, broad non-binding provisions that require sustained negotiations with the third country after ratification may be even more beneficial to the European Commission.
- 4 Aggarwal and Fogarty (2004, p. 11) share the observation that 'the greater the number of sectors, countries, or policy areas (e.g., development, aid, etc.) involved, the greater the role for the Commission' and trade agreements 'potentially offer an array of bureaucratic opportunities for the Commission's DGs to establish institutionalized government-to-government contacts.' Still, the extant literature largely overlooks the wider effects of this dynamic on European integration and how it systematically spurred institutional competition between the Commission and the Council in the negotiation of bilateral trade agreements.
- 5 The European Parliament became a key player in international negotiations and affects the Commission's ability to shape outcomes, particularly since the Treaty of Lisbon (Frennhoff Larsén, 2020; Heldt, 2021; Ripoll Servent, 2014; Rosén, 2017; but see Gastinger and Adriaensen, 2019). The focus of this book is on the pre-Lisbon period, which is why the European Parliament is mostly excluded from the discussion.

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