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**The Promise of Transparency:
Stakeholder Views on Changes to the EU Trade
Negotiation Process***

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Abstract

Significant public outcry erupted during negotiations between the European Union and the United States on the Transatlantic Trade and Investment Partnership (TTIP). Stakeholders argued the negotiations lacked transparency, hence legitimacy, noting the disjuncture between the opaque nature of previous-era negotiations and the potential impact of “new era” trade deals on the domain of public policy. In response, the EU Commission significantly increased the transparency of their trade negotiation processes. Using 43 interviews, authors assess stakeholders’ views on the extent to which these measures met their concerns. The EU Commission has institutionalized these measures into its bilateral negotiations, significantly increasing their transparency.

Keywords: bilateral trade negotiations, public policy process, trade negotiations, Transatlantic Trade and Investment Partnership, transparency

Introduction

In July of 2014 the United States and the European Union began negotiations on an ambitious and comprehensive trade agreement, the Transatlantic Trade and Investment Partnership (TTIP). At the launch of the negotiations, the public had access to little substantive information. The mandate adopted by the Council of Ministers of the European Union for the goals and scope of the negotiations was not public, nor were the negotiating texts proposed by either party. Civil society, public officials and academics criticized the process of the negotiations for lack of transparency and, hence, legitimacy and accountability (De Ville and Siles-Brügge, 2016). Lack of transparency fueled the protests as the details of the negotiations were not known, prompting speculation and fear over what they entailed. A coalition of civil society organizations used diverse tactics to motivate public awareness and participation in wide-ranging actions to protest the negotiations, and to ensure that the EU Commission and Parliament, as well as their national parliaments, were aware of their concerns. The Commission was surprised by the strength of public reaction, as these bilateral negotiations for TTIP were launched following customary practices and after a long period of consultations between the two parties. Previously, while multilateral GATT negotiations had sparked public protest, EU citizens had been relatively quiet on bilateral trade negotiations.

Historically, trade negotiations have not been transparent. Following massive protests in Seattle in 1999, the GATT/WTO changed practices to increase transparency to a limited degree (World Trade Organization, 2004). In contrast, bilateral trade negotiations continued the culture of secrecy claimed essential by negotiators to get the best deal. Drawing from the ethos of secrecy in foreign policy negotiations, it has long been argued that a small group of negotiators, given leeway and shielded from the concerns of special interests, are best able to negotiate on behalf of the nation, and to extract concessions from the other party (Meunier, 2005). This culture developed when the goal of trade negotiations was to increase trade in goods, by reducing tariffs, quotas and other measures that reduced market access. This culture continued under the EU Commissioner at the time of the launch of the TTIP negotiations, who replied in response to criticisms over a lack of transparency that “trade partners worldwide tend to keep their positions secret, at least in part, because one aspect of the negotiating strategy necessary for achieving a better deal is not to reveal information on the other negotiating partner” (Armanovica and Bendini, 2014, 7).

While TTIP negotiations were launched using a style of negotiations from a previous era, TTIP is a “new era” trade deal, characterized as deep and comprehensive by trade negotiators, in contrast with earlier trade negotiations focused on market

access. Baldwin (2014) explains that 20th century trade agreements reflected the dominant model of national production and trade characterized as “made-here-sold-there,” and so emphasized border measures, including market access, rules of origin, and trade remedy provisions. In contrast, the 21st century model is “made-everywhere-sold-there,” and so includes provisions to facilitate international supply chains, including foreign direct investment and investment dispute settlement, services, intellectual property, and regulatory cooperation.

The inclusion of these areas raises the spectre that trade negotiations now include issues that previously were the domain of national policymaking, in the case of the United States, or EU policymaking, in the case of Europe. De Ville and Siles-Brügge (2016) characterize earlier debates as distributive trade conflict due to market opening, so that groups roughly characterized as producers and consumers contested the opening of borders. De Ville and Siles-Brügge propose that now the debate is characterized by “normative” trade conflict, as negotiations are centred on “values-based questions that pertain to everyone’s daily lives (e.g., democracy, food safety standards, public services)” (De Ville and Siles-Brügge, 2016, 100), and so trade agreements have a much greater potential to impact domestic policy in a variety of ways. The potential of TTIP to impact EU domestic policies was one motivation for protests and the outcry for more transparency in the negotiations.

Transparency and Public Policy

A growing literature on transparency explores how the public demand for transparency, particularly on the part of civil society, has been increasing, and the challenges faced by government and global institutions in responding (Florini, 2007; Forssbaeck and Oxelheim, 2014). Increased legitimacy is widely acknowledged as a normative motivation for a high level of transparency in government processes and as an important aspect of democratic governance (Piotrowki, 2017). Blanton (2007) argues that openness is the next best thing to democratic governance in international institutions, arguing that sharing information early in a process empowers productive participation by stakeholders.

Additionally, there are instrumental motivations for transparency. Florini (2007) proposes that transparency will increase public acceptance of a policy, as the public has a role in creating and approving it. Florini also argues that as transparency facilitates input from stakeholders it will result in an improved policy, by incorporating input from stakeholders with experience and knowledge. Florini notes that the increased demand for transparency reflects public desire for participatory democracy, particularly on the part of civil society. This theme is reflected in the work by Gheyles and De Ville (2017),

who find that civil society organizations see meaningful participation as a key aspect of transparency.

In response to public criticism throughout TTIP negotiations, the European Commission made significant changes to increase the transparency of the EU's trade policy process. This paper assesses the views of diverse stakeholders on the changes to the policy process, asking how the changes impacted stakeholder perceptions of the legitimacy and effectiveness of the negotiations.

Research Methods

One author interviewed 43 stakeholders in 38 meetings during fall of 2017 and spring of 2018, in Belgium, Germany, and Sweden. Stakeholders included representatives of civil society and business who were actively involved in monitoring, providing feedback, and influencing the negotiations. Stakeholders from different levels of government, including subnational, national, and the European parliaments, and from the bureaucracy supporting the Commission, were interviewed. Brussels, Belgium was chosen due to the presence of the EU bureaucracy and parliament, and density of stakeholders concerned with EU trade policy. Germany was selected due to the intensity of the public outcry over TTIP negotiations in Berlin. In contrast, Sweden was chosen due to its receptiveness to TTIP and free trade more generally.

Table 1 Interviewees by Stakeholder Type

Stakeholder type	Number of interviews	Numbers of interviewees
Civil Society	17	19
Government	9	10
Business	8	9
Academics	4	5
Total	38	43

Interviews generally lasted between 60 and 75 minutes. The interviews used a semi-structured format so that a standard set of questions was asked; however, the discussion could include additional themes advanced by the interviewees. Interviews were recorded and transcribed, and analyzed in NVivo, a qualitative data analysis software package. Deductive coding relying on the research questions was performed to search for common themes, and as new themes emerged, inductive coding was used (Miles et al., 2014).

Both authors coded the interviews in order to increase reliability. Interview questions are detailed in the Technical Annex to this paper. While it would have been desirable to have more interviews with stakeholders from business, it was difficult to obtain interviews with them. It can also be argued that since civil society was instrumental in the protests about TTIP, and in motivating the Commission to make changes to the trade negotiation process, it is appropriate to give weight to their views on the changes discussed here.

The following summary of stakeholders' views highlights major themes that emerged during the interviews. Interview questions probed the role and importance of transparency in the trade negotiation process and evaluated stakeholder views of changes made by the European Commission. As the traditional justification for secrecy was that it increased the ability to secure the best outcome, stakeholders were asked about the extent to which this increased level of transparency hampers negotiator effectiveness.

EU Trade Negotiation Process and Changes

The main actors involved in the negotiation of trade agreements in the EU are the Commission, the Council of Ministers, and the European Parliament (Woolcock, 2012; Puccio, 2016), and their respective roles and responsibilities were recently clarified in the Treaty on the Functioning of the European Union (TFEU) (Devuyst, 2013). This brief description of the process is limited to the major steps of the negotiations relevant to the discussion of transparency in this research.

First, the Commission undertakes an impact assessment and engages in public consultations to solicit input into their assessment about the desirability of launching a trade negotiation. The Commission makes a recommendation to the Council of Ministers, which is responsible for approving the mandate detailing the purpose and scope of the negotiations, and with approval of the mandate, the Council instructs the Commission to begin negotiations. The European Parliament does not formally participate in constructing the mandate for negotiations and their consent is not required for its adoption; however, the TFEU requires that the European Parliament, and its Trade Policy Committee, be informed of developments at all stages. The European Parliament can, and does, pass resolutions on their sentiments and concerns about a negotiation so that the Commission can make the changes required to secure their approval of the final agreement. The Commission is responsible for conducting the negotiations, working broadly with EU institutions, member governments, and a broad array of stakeholders in the process. Once concluded, the proposed trade agreement must be approved by the Council of Ministers and the European Parliament. When there

are mixed agreements that include issues beyond the exclusive competences of the EU, the national parliaments also must approve the proposed agreement.

EU Commission President Juncker and Trade Commissioner Cecilia Malmström made significant changes to the trade negotiation process to increase transparency and input from stakeholders. The midcourse transparency initiative of 2014 included several elements, first adopted on an ad hoc basis for the TTIP negotiations, and then incorporated into all trade negotiations. With the goal of increasing input from stakeholders, the Commission created the TTIP Advisory Group to provide expert advice to the chief EU negotiator in January 2014. The Advisory Group met after the completion of each negotiating round and when more extensive consultations were required. In October of 2014, at the urging of the Commission, the President of the Council of Ministers released the mandate for the TTIP negotiations, which they had approved earlier, in June of 2013 (Council of the European Union, 2014).

In January 2015, Trade Commissioner Cecilia Malmström broke with historical practice and posted eight chapters proposed by the EU on the Commission website. It is important to note that the United States did not release its proposed chapters, that they objected to the EU doing so, and that the consolidated text for the negotiations was never publicly released. Prior to that break with tradition, negotiating texts advanced by the EU to the TTIP negotiations were only available to select members of the EU Parliament and members of the TTIP Advisory Committee, in designated reading rooms, and under stringent conditions for access.

These actions were intended to address strong criticism by the public over lack of transparency, and recommendations by the EU Ombudsman that the Commission change their process (European Ombudsman, 2015). Since then, other measures to increase transparency have been added, including the publication of the text of a final agreement during the lengthy process of legal scrubbing, which occurs before the agreement is submitted to the Commission and the European Parliament for formal approval. This suite of measures has been incorporated into the trade negotiation process on a permanent basis (European Commission, 2015; Europa, 2017).

The purpose of the changes was to provide an unprecedented level of transparency to stakeholders on the EU negotiating position. While a break with tradition, the Commission hoped that publication of the texts would reduce speculation and fears about what was being negotiated, meet head-on the charge that the negotiations were being conducted in secret, and get ahead of leaks of the text.

Changed Nature of Trade Agreements

There was wide agreement among interviewees that the nature of trade agreements has changed significantly (table 2). Interviewees from business discussed the global nature of supply chains, and the corresponding need for trade agreements to improve regulatory cooperation and address divergent standards, in order to increase the efficiency of these supply chains. Interviewees from civil society emphasized that trade negotiations now have "... very little to do with trade, it has to do with public policy." They emphasized that the proposed TTIP agreement would potentially impact standards for health and food safety, consumers, and the environment, and that these issues belong to the domain of public policy.

Given the expanded domain of trade negotiations, some stakeholders from civil society detailed their efforts to further increase the scope by including provisions to protect public health, to reduce government corruption, and to promote labour rights within the expanded scope of trade agreements. One business stakeholder argued in response that "the sustainability chapter ... it's important that we have it, but we cannot put everything there. Because otherwise it's no longer a trade agreement; it's something else."

Expanding Stakeholder Input

Disagreement over what trade agreements should include is intertwined with the issue of who should be given greater access to the Commission and thus influence to shape the negotiations. A few stakeholders expressed frustration with a lack of access to the Commission, particularly in comparison to business interests. Interviewees explained that the public perception that TTIP would benefit business at the expense of other interests and values was instrumental in spurring the unprecedented level of public protest. In response, the European Commission created the TTIP Advisory Group to provide expert opinion to the EU negotiating team, and appointed equal representation to business and nonbusiness (civil society, labour union) interests. This advisory group has been made permanent and its role has been expanded to provide advice on all trade negotiations.

Within the Advisory Group, interviewees detail that they gained insights and appreciation for the diversity of positions on TTIP, and trade issues more generally. In particular, nonbusiness interviewees, newly included in trade discussions, report both the challenges and rewards of educating the Commission about the impact of potential trade provisions on the issues addressed by civil society, including consumer protection, public health, human rights, and the environment.

Table 2 Themes Advanced by Stakeholders

Changed Nature of Trade Agreements: (20 interviews, 34 mentions)		
Civil Society	Business	Government
<p>“Trade has very little to do with trade, it has to do with public policy.”</p> <p>“But when it’s about environmental standards, health standards, safety, labour, consumer, all the public interest issues that are at stake.”</p>	<p>“You have international supply chains, and so we have, what we are talking about, is a completely different world Trade policy has to adjust to those”</p>	<p>“While I think civil society woke up and the new generation of trade agreements, wide agreements touch also on different domains, which are equivalency of standards, you know, you enter into an area which is, felt much more.”</p>
Relationship between Transparency and Legitimacy (28 interviews, 107 mentions)		
Civil Society	Business	Government
<p>“If you don’t know the content because there is no transparency, there is no trust. So, for us, transparency was the first demand.”</p> <p>“I believe that transparency is good for trade negotiations because it increases the legitimacy, and that’s also what I heard from negotiators in Europe. They say it may sometimes make the negotiation position easier, because they can say, ‘my stakeholders don’t want that.’ And that, so they are being backed by the public opinion. It’s quite a strong position.”</p>	<p>“So, it would have helped tremendously to see what the US would be proposing for here, because, I mean that opened the door for people to say just anything I mean it gave an, it opened a door to just say anything because you couldn’t disprove it because you didn’t have the text.”</p>	<p>“Transparency could solve part of the problem, if of course you are not negotiating on all these chapters as much as they fear. Very often I think it is less worrying than, so if you hide your document in a safe, you think the worse there. ... At least you know what is going on, maybe you can disagree, but you remove the fear part and it can be a debate.”</p>
Trade Negotiation Process as Transparent as the Domestic Policy Process (11 interviews, 40 mentions)		
Civil Society	Business	
<p>“If trade negotiations include provisions that might result in changes to domestic policies, they should be conducted with the same level of transparency as the domestic policy process that produced those policies. Yes I couldn’t agree more.”</p>	<p>“So, of course if there’s a trade agreement which requires domestic legislation to be changed, then of course it’s, it has to be conducted in a similar transparency level.”</p>	
Who Is at the Table (14 interviews, 21 mentions)		
Civil Society	Business	
<p>“... we’re the like, nonprofit civil society, but we just need an equal seat at the table like businesses”</p> <p>“And now, that, well the TTIP negotiations are almost dead, the commission is setting up an expert group on the basis of the TTIP advisory group, but for all negotiations. So, I think that is a bit of positive spillover for the negotiations on TTIP.”</p>	<p>“It cannot work when the complete civil society is sitting on the negotiating table too. So, it just doesn’t work.”</p> <p>“Because it would be impossible for the negotiators ... actually, the negotiators, the commission negotiators, to have, conduct, let do their work. Because they are the ones who have the background information and the analysis and the preparatory work. Not the parliament.”</p>	

Both business interviewees and newly included interests on the TTIP Advisory Board spoke of the costs of widening participation in expert discussions of trade. They also noted that even members with significant reservations about the proposal for TTIP worked to improve the text.

Transparency, Legitimacy, and Effectiveness

Stakeholders were consistent in their view that a high level of transparency in the EU's trade policy process was vital to the legitimacy of the process, due to the essential relationship between government transparency and norms in democratic societies. This discussion was focused on the Commission's new practice of posting the negotiating proposals advanced by the EU. The sentiment expressed by one interviewee that "transparency is good and increases legitimacy" was widely shared by others. Interviewees were articulate about how old and opaque styles of negotiating trade agreements, in which negotiators traded concessions on market access, were not appropriate for issues related to public policy. There was broad agreement across stakeholder groups that negotiations on provisions with the potential to impact domestic policy should not be conducted in a poker game of "you give me this for that."

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In particular, discussion of the provisions for regulatory cooperation focused on concern that EU regulatory processes and outcomes would be impacted both through the adoption of new provisions and through a chilling effect on regulatory agencies considering potential provisions. It was argued that the process of trade negotiations must reflect the broader ramifications of the trade agreement. As one stakeholder observed, trade agreements may include provisions which cannot easily be changed by a parliamentary vote, creating fear about the potential hollowing out of democracy. Stakeholders stated that transparency alleviates the fear created by not knowing what

was being negotiated, with a government stakeholder noting that when fear is reduced, there is room for a debate.

Given the nature and volume of stakeholder concerns over legitimacy, a new question was added to the interview to identify how transparent stakeholders believed the trade negotiation process should be. Eleven stakeholders were asked for their reaction to the following statement: “If trade negotiations include provisions that might result in changes to domestic policies, they should be conducted with the same level of transparency as the domestic policy process that produced those policies.”

Seven of the eleven interviewees strongly agreed with this idea. One stakeholder indicated that the EU domestic policy process was not transparent enough to provide a useful benchmark for trade negotiations, another discussed the difficulty of reaching consensus within the Council given the diverse positions of the 28 member states, and two were inconclusive.

Stakeholders also noted instrumental benefits of transparency for trade negotiations. One stakeholder from civil society noted that trade negotiators sometimes said they could oppose particular positions because they can say, “‘my stakeholders don’t want that.’ And that, so they are being backed by the public opinion. It’s quite a strong position.”

Another instrumental benefit discussed by a business stakeholder relates to the fear caused by not knowing what the negotiators have proposed. Transparency reduces the potential for misrepresentation of the EU’s negotiating proposals by groups who are advocating against them.

As the United States did not release their proposals, transparency was one-sided, and a significant share of the stakeholders interviewed were dissatisfied by this. However, these stakeholders did not express the view that the EU should refrain from posting their proposals in response to U.S. refusal to do so. The fact that the United States would not do so decreased the legitimacy of the United States as a partner for negotiations.

Some stakeholders also argued that publication of the text mattered greatly given the technical nature of the proposals. Respondents indicated a desire to know what was at stake, in a very specific way, and, as one respondent said, “transparency is a tool to be able for stakeholders to engage and to contribute constructively,” and so be able to give feedback to the Commission through a variety of mechanisms. While respondents indicated that the issues and texts were challenging in their complexity, they also indicated the desire and the need to understand and to contribute to improving the negotiating text at the technical level. One respondent commented that words matter, explaining,

... because I'm a lawyer; I can read legal texts, so, I said, there is part of sentence missing in your proposal ... and then they said, 'Yes, indeed.' So, you need to be really very technical. It's not about philosophical statements.

The authors anticipated business interests with a stake in the success of the negotiations might view releasing EU negotiating proposals as hampering the ability of the negotiators to achieve success, and, to a limited extent, some business stakeholders expressed that concern. However, other business stakeholders argued that without the legitimacy accompanying a high level of transparency, a proposed trade agreement would not be accepted, making the tradeoff irrelevant. Discussions with government stakeholders indicated that, particularly in market access negotiations in which negotiators were making concessions based on quantities, some leeway was important for negotiators.

Some stakeholders from civil society commented they have not had the same level of access to the Commission as business, giving them unequal access to information about what was being negotiated, and so hampering their ability to influence outcomes. Making the EU's negotiating proposals available to the public gave these stakeholders the information they needed to be able to react to and provide input on the EU's proposals, partially alleviating the consequences of the perceived inequality.

Some respondents noted posting the negotiating texts was positive, but insufficient to create an adequate level of transparency, as posting the negotiating text in English disadvantages some stakeholders in understanding and reacting to them.

The Mandate: Controlling the Scope and Goals of the Negotiations

The need to provide input into the mandate and to make it public were discussed by interviewees with a frequency and intensity unanticipated by the researchers. Strong support was voiced across stakeholders for release of the mandate to the public, including business stakeholders, who reasoned that publicly releasing the mandate would end speculation on its content. At the same time, stakeholders recognized that publication would likely result in a mandate that was more general, as member states would be less likely to reveal their sensitivities in a public document, and so the resulting mandate would be less useful to those wishing to interpret and react to it.

The changes made to the process of trade negotiations in the TFEU do not address all of the points of dissatisfaction that stakeholders expressed about development of the mandate for trade negotiations. Some stakeholders voiced dissatisfaction over the process of drafting the mandate, as "the transparency problem starts much earlier in terms of who gets their interests taken into account." However, stakeholders differed on who should be included in drafting the mandate. Some stakeholders supported giving

the European Parliament a formal role in the drafting of the mandate, and a lesser number of stakeholders supported giving national parliaments a role in drafting the mandate. Stakeholders from civil society argued that if they had genuine input into the goal, scope, and redlines included in a mandate, that the mandate would be substantially different. Many stakeholders argued that broader participation in the development of the mandate early in the process was pivotal to achieving their varied interests.

Conclusions

Overall, most stakeholders expressed a high level of support for the changes made by the Commission. Both transparency and the increased involvement of stakeholders were essential to the legitimacy of trade negotiations, although fears about the impact of “new era” trade deals on domestic policy continue. In particular, stakeholders supported the publication of EU negotiating proposals. Stakeholders felt this gave them an opportunity to provide detailed and technical input to the Commission through a variety of fora, and this was particularly important to stakeholders who felt they lacked adequate access to the Commission. Stakeholders highlighted concerns over who has voice in the development of the mandate due to its importance in determining the purpose and scope of the negotiations, and transparency in terms of its release to the public. Resolution of this issue is beyond the power of the Commission, and by publishing their recommendations for the mandate when forwarded to the Council, the Commission has done what it can to provide transparency on the mandate.

While changes to the trade negotiation process have increased transparency and stakeholder input, these changes do not quell fundamental dissent by some stakeholders over the desirability of deeper economic integration between countries. Several stakeholders who support increased transparency continue to advance objections to trade negotiations and deeper economic integration, questioning the benefits of such agreements for the people of the EU.

Another concern about transparency, echoing from the time of highly secretive negotiations, is that transparency would cripple negotiators in their ability to advance the interests of their party. Currently, the EU has a busy schedule of negotiations and has completed several trade agreements including Japan and Mexico, and negotiations are actively underway with Australia, New Zealand, and China, and are at various preliminary stages with numerous other countries and FTAs. This active agenda does not suggest that EU negotiators feel crippled.

The European Commission’s commitment to improved transparency practices for negotiation of bilateral trade deals appears to be having a synergistic impact on EU trading partners, resulting in a higher level of transparency and stakeholder involvement

in other countries. EU negotiating partners, including Australia, New Zealand, and Tunisia are considering improvements to their practices for transparency in their negotiations with the EU (Delegation of the European Union to Australia, 2017). Additionally, the Commission brought over the chief negotiators for Brazil and Argentina to participate in a stakeholder consultation, who then undertook the reciprocal exercise (European Commission, 2017). The fact that other countries and entities are adopting more transparent trade policy practices may challenge the continued emphasis on secrecy by the United States. The EU Commission has clearly set a new standard for transparency in trade negotiations that is having an impact beyond its borders, with a high level of support from EU stakeholders.

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Technical Annex: Interview Instruments

Interview Instrument #1 (Brussels and phone interviews)

1. How did you participate in the negotiations?

2. Generally, how did you feel about the negotiations for the Transatlantic Trade and Investment Partnership?

Prompt: What are the reasons for your support/lack of support?
What provisions of the agreement were attractive/unattractive to you?

3. Interviewer: Describe transparency in terms of the tools for transparency. Note that transparency provides information on the provisions being negotiated so that stakeholders can provide input, but that it is different than input.
 - a. Tools of transparency include:
 - i. access to negotiating documents (to who and with what restrictions, process),
 - ii. the ability to observe trade negotiations,
 - iii. briefings for public officials,
 - iv. briefings for other stakeholders,
 - v. notification requirements,
 - vi. public data on efforts of particular groups to lobby decision makers, and
 - vii. other (suggested by interviewee).
4. In your opinion, how does the importance of transparency of the negotiations compare to the importance of the substantive provisions?
5. How does the importance of transparency seem to compare to the importance of the substantive provisions for other stakeholders? How did this affect their level of support for the TTIP agreement?
6. Do you believe that there is a conflict in the negotiations between the business interests represented and key values of the public in the EU? Can you describe this conflict?
7. Is there a trade-off between the level of transparency provided to stakeholders and the ability of negotiators to produce a favorable outcome? Please describe the trade-off.
8. Would changes to the level of transparency likely result in changes to the provisions advanced by EU negotiators? How or how not?
9. What do you see happening in the future with trade negotiations?
10. Is there anything we missed that you believe is relevant to this discussion?

Interview Instrument #2 (Berlin)

1. Did you advocate for or against TTIP? What role did you play? Can you briefly outline your reasons for support or lack of support for TTIP?
2. To what extent was the *transparency of the process* of negotiating TTIP a concern to you during 2013-2016? What consequences did the lack of transparency play in your advocacy for or against TTIP?
 - a. Follow up: Specifically, what information did you need that you did not have access to?
3. The European Commission made a number of changes to increase stakeholder input and transparency in 2014-2015, including: i) creating the TTIP Advisory Board, (Jan 2014); and ii) publishing the negotiating offers (Jan 7, 2015):
 - a. To what extent, if any, did these actions change your views about the adequacy of the transparency of the negotiating process?
 - b. To what extent did these actions impact your views on the substance of the negotiations?
4. In 2015 Trade Commissioner Malmström announced permanent changes in her document “Trade for All.” In 2017 Juncker made some further commitments in his “State of the Union.” (Respondents will be given a handout listing these changes)
 - a. Are you supportive of these changes, and would you please explain why?
 - b. What further changes do you believe are called for and why?
5. I want to ask for your reaction to this characterization of trade negotiations.
 - a. Old style trade negotiations on tariffs and quotas were conducted without much public involvement or transparency and negotiators were given a great deal of autonomy.
 - b. Then the substance of trade negotiations changed to include issues with potential impact on public policy, but the style of negotiations in the bilateral context did not change in tandem. This spurred public dissatisfaction with the process of negotiations for CETA and TTIP. The recent changes by the Commission are a step to correct this.
 - c. I’m interested in your view on what is an adequate level of transparency for trade negotiations with provisions that might impact domestic policies. What is an appropriate benchmark, or point of comparison?

- d. What is your reaction to: “*If trade negotiations include provisions that might result in changes to domestic policies, they should be conducted with the same level of transparency as the domestic policy process that produced those policies.*”

Interview Instrument #3 (Stockholm)

1. Did you advocate for or against TTIP? What role did you play? Can you briefly outline your reasons for support or lack of support for TTIP?
2. I understand that Sweden had quite a high level of support for TTIP overall.
 - a. Is this correct?
 - b. Can you explain to me why the national dynamics regarding TTIP were quite different in Sweden than in Germany, for example?
 - c. Do Swedish "social rights" (defined from a social-democratic point of view) and the high standard for welfare assistance play a role?
 - d. What role does the National Board of Trade play in this national dynamic?
 - e. Around 500 civil society organizations formed a large and active alliance to "STOP CETA and TTIP" during the height of the debate. Only 4 of them were from Sweden. Why was civil society in Sweden less involved in this effort? For example, many stakeholders were concerned that the chapter on regulatory cooperation might result in lower standards for food, labor, and the environment, with potential impacts on Sweden as well.
3. To what extent was the *transparency of the process* of negotiating TTIP a concern to you during 2013-2016?
 - a. What consequences did the lack of transparency play in your advocacy for or against TTIP? Specifically, what information did you need that you did not have access to?
 - b. Additionally, I understand that Sweden has a long history of transparency in government, starting with your Freedom of Information Act in 1766. How does this culture of transparency in government feed into the extent to which the transparency of the negotiating process for TTIP was a concern?
4. The European Commission made a number of changes to increase stakeholder input and transparency in 2014-2015, including: i) creating the TTIP Advisory Board, (Jan 2014); and ii) publishing the negotiating offers (Jan 7, 2015):
 - a. To what extent, if any, did these actions change your views about the adequacy of the transparency of the negotiating process?
 - b. To what extent did these actions impact your views on the substance of the negotiations?

5. In 2015 Trade Commissioner Malmström announced permanent changes in her document “Trade for All.” In 2017 Junker made some further commitments in his “State of the Union.” (Respondents will be given a handout listing these changes)
 - a. Are you supportive of these changes, and would you please explain why?
 - b. What further changes do you believe are called for and why?

6. I’m interested in your view on what is an adequate level of transparency for trade negotiations with provisions that might impact domestic policies. What is an appropriate benchmark, or point of comparison?

Endnotes

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