

How does expert knowledge travel between EU institutions? The case of the Transatlantic Trade and Investment Partnership

INTRODUCTION

Information and expertise are key resources in policy-making. Expertise is a factor that has become increasingly important in “addressing complex problems and for managing high pace technological change and for regulation of risk prone issues and activities” (Gornitzka and Holst 2015: 2). While expertise undoubtedly is crucial to make decisions that fit their purpose, it also entails a potential bias if some forms of expertise are favoured over others. A legitimacy problem surfaces when this bias means that expert advice does not improve decisions, “granting political power to experts may be defensible, but only on the grounds that it contributes to enlightening political processes and facilitate problem-solving” (Holst and Tørnblad 2015: 166). On the one hand, there is a demand for policy-making to build on available facts and evidence. On the other, the authority of un-elected experts is becoming more contested (Boswell, 2008). However, this dilemma also has an institutional aspect, which is the focus of this paper. Executives are privileged in terms of access to both information and continuous competence. Accordingly, expertise is also an instrument for power.

Expertise has been highlighted as a central source of power and legitimacy within the European Union (EU) system, and has been pointed to as one explanation of the relative influence of EU institutions in policy-making processes. This paper investigates such inter-institutional differences by analysing whether the knowledge resources in one institution, the European Commission, influence policy positions of another, the European Parliament. The hub of expertise in the EU is the Commission. As part of the

Union's executive, its responsibility is to initiate policies, draft proposals and implement measures. The Commission bases its work both on "in-house" and external expertise. It can draw on its own highly qualified and specialised staff, on the many committees and expert groups available for the Commission to consult, but also on a regular basis invites external experts to provide input through for example impact assessments.¹ The European Parliament's general secretariat is supposed to provide inhouse expert assistance (Egeberg et al. 2013). Not only is the number of staff much smaller than their counterparts in the Commission, but the EP's secretariat has also been described as "generalists lacking the detailed policy information that they are called upon to supply" (Marshall 2012: 1377). While the EP does draw on outside expertise (e.g. Coen and Katsaitis forthcoming), there is a significant asymmetry vis-à-vis the Commission with regards to expertise. Recent research has underlined patterns of close cooperation between the Commission and the European Parliament, where the former provides the latter access to competence and information (e.g. Egeberg et al. 2014).

Relying on expertise involves a potential democratic problem. If a certain type of expertise becomes a prerequisite for influencing policy-making, there is an inherent danger that other concerns are not considered when decisions are made. Due to differences in access to expertise, how far the Commission is able to provide the premises for decisions taken in the EP is an interesting question from a democratic perspective. Hence, our research question: **To what extent, and how, does expertise from the Commission influence the European Parliament's positions?**

In this paper, we explore this question by analysing the transfer of expertise from the Commission to the EP in the case of the Transatlantic Trade and Investment Partnership (TTIP). We have chosen trade as a case because it is a policy area where the EP has only recently acquired new powers, and so could be expected to experience a lag in competence building. Trade is also an area that is highly technical, which

¹ In this paper, the terms "expertise" and "expert knowledge" are used for all such input from recognized experts – both in-house and external.

is an additional challenge to MEPs trying to influence policy-making (Rosén, 2016; 2017). At the same time, the negotiations about TTIP have been highly contested, particularly in some countries, and have also been a thorny issue for the EP itself. By coding and comparing expert documents deriving from the Commission to two resolutions emanating from the EP, we aim to assess the extent to which the two actors employ the same expertise to build their positions.

In EU-studies, there is a growing body of research on expertise and the Commission, but very little has been written on the exchange of expertise between the Commission and the European Parliament (EP). Our analysis finds clear differences in what type of expert knowledge the EP incorporated in two resolutions – as well as *how* they use expertise. In the beginning of the period analysed, the Commission's expert input is broadly used by the EP and largely unquestioned. Some years later, there is much less reference to external expert and Commission sources and the EP is also much more critical, and explicitly questions conclusions that was supported two years earlier. In our final discussion, we propose that this change over time might be due to the politicization of TTIP, and discuss how and why this is the case.

The next section of this paper outlines the existing literature on expertise as a resource in EU policy-making processes. The TTIP case is presented in section three, and the methods and data for our analysis in section four. The analysis and findings are presented and discussed in section five and six respectively.

EXPERTISE, POWER AND LEGITIMACY

The importance of discussing whether expertise from the Commission influences parliamentary resolutions in the EU is related to two separate but related issues. The first arises if certain individuals or groups are granted extended power in a policy-making system based on their expertise, as this goes against the principle of equal representation. Discussions of expertise in policy-making often turn to the term technocracy to describe instances where an elite of non-elected experts have such extended power

(Harcourt & Radaelli, 1999; Radaelli, 1999). Assessing the legitimacy of expert arrangements depends on which role they play in the policy-making process. If we take a systemic look at policy-making, and allowing for different parts of the system to have different roles – we can understand a legitimate role for experts as providing a knowledge-base for further discussions, while the actual decision-making and “political” assessments are left to policy-making bodies with stronger legitimacy claims based on representativeness (Tørnblad, 2017). The second problem with expertise-dependence is how we assess expertise, i.e. how we know if what is presented as expertise is in fact not biased or wrong, and how we identify whom to acknowledge as having such “true” expertise. While the first problem of defining a legitimate role for expertise is a normative and theoretical one, this second problem lends itself more easily to empirical investigations of who is acknowledged as experts in policy-making. Clearly, getting this wrong has significant consequences for the legitimacy of decisions. In sum, the legitimacy of experts in policy-making critically hinges on *how* expertise is used, and whether the expertise used is biased or not. Although this paper does not make direct normative assessments or seek to evaluate to which degree the expertise in the TTIP policy process is biased – these debates show why influence of Commission expertise on the EP’s positions matter.

Existing literature on interest representation in the EU illustrates how both granting extra power to experts, as well as how to identify “true” experts, can impede the democratic legitimacy of policy-making processes. This literature has identified expert knowledge as a key determinant of access to EU institutions (Bouwen, 2002; Broscheid & Coen, 2007; Radaelli, 1995; van Schendelen & Van Schendelen, 2010). Also, bureaucrats in the Commission distinguish between the usefulness of different groups based on their level of technical expertise (Ellinas & Suleiman, 2012; see also Everson, 2012). Similar dynamics are important when studying inter-institutional relationships within the EU. Expertise has been deemed a “critical resource”, and more important than for example budget resources in regulatory policy-making in the EU (Majone, 1997; see also Radaelli, 1995, 1999). EU bodies that possess expertise can utilize this

resource in the policy process to gain influence. The literature on the Commission in particular points to it as the foremost EU-actor in terms of expert knowledge resources, and much attention has been focused on the Commission both as a “receiver” of knowledge and expertise and as a wielder of knowledge resources (Boswell, 2008; Majone, 1996; Radaelli, 1999). The different information-processing and -gathering capabilities of the different EU bodies result in information asymmetries, which is likely to affect the relative power or influence of these actors in the policy process (Blom & Vanhoonaeker, 2014; Tallberg, 2006; Wallace, 2005).

Studies also point out the difference between the Commission and the European Parliament on the issue of expertise, where the Commission is seen as responsible for gathering expertise and reflecting the status of knowledge on an issue in the proposals they send to the Parliament (Bouwen, 2002). According to Dobbels and Neuhold (2014, p. 82), “[i]n certain complex files, the Commission can even function as a sort of ‘guide’, providing explanations of the ins- and outs of the proposal”. Ellinas and Suleiman (2012) have argued that in EU trade policy, Commission officials see the European Parliament as lacking the technical knowledge to follow the area properly, to understand the policy issues, and to avoid being influenced too much by lobbyists and interest groups. While Commission officials are technocrats who pay a lot of attention to details, MEPs are politicians who preoccupy themselves with different, often more general, aspects (Rosén 2016). This means that the EP is dependent on the Commission not only for information on on-going trade negotiations, but also to a large extent for technical expertise. We also know that EP officials are in frequent contact with the DGs that work on the area of their sectoral responsibility, and that the information they receive from the Commission is considered particularly valuable (Egeberg et al. 2013, 2014). Therefore, we have chosen to focus on trade policy as a case to explore to what extent, and how, expertise from the Commission influences the European Parliament. More specifically, we focus on the Transatlantic Trade and Investment Partnership (TTIP) between the EU

and the US, which exemplifies the EU's new and complex trade agenda (Laursen and Roederer-Rynning 2017).

TTIP – CASE AND NEGOTIATIONS

There are several reasons why we hold TTIP to be a good case to study the transfer of expertise from the Commission to the European Parliament. Trade is a policy area where the EP has new powers. With the entry into force of the Lisbon Treaty, the Parliament is co-legislator on trade regulations, can veto international trade agreements, and is to be kept informed about on-going negotiations. While this offers the potential to make its mark on the EU's trade relations, the EP is at a certain disadvantage as a newcomer. Thus, the period before and immediately after the entry into force of the Lisbon Treaty was spent learning the ropes – interacting with the Commission Directorate General for Trade (DG Trade), talking to the Council Secretariat and member state representatives (interview, MEP, 2014). Likewise, the Commission spent considerable time and energy trying to educate the MEPs on trade matters (interview, Commission representative, 2011). Although the International Trade Committee (INTA) has grown to become one of the most prominent committees in the EP, its resources cannot match those of DG Trade. Nor does it have the power of institutional memory. Furthermore, trade is prone to technical details (Young and Peterson 2006). This means that the EP is dependent on the Commission not only for information on on-going trade negotiations, but also to a large extent for technical expertise.

Several trade agreements have been negotiated during the new regime, however, the negotiations on the Transatlantic Trade and Investment Partnership (TTIP) have received the most attention. It would have merged two of strongest economies on the globe, creating an enormous bilateral free trade area (Young 2016).² Considerable efforts were spent in the EP to oversee the EU-US talks. INTA has established specific monitoring groups that are briefed by the negotiators before and after talks between

² The negotiations on TTIP have been on ice since Donald Trump became President of the US.

the two parties (European Parliament 2015).³ The Commission was also anxious to inform and consult the EP. INTA was briefed on a regular basis as well as the monitoring group. In addition, DG Trade served smaller groups of MEPs with technical briefings where matters can be explained more in-depth, which results in a “higher degree of specialisation and knowledge of MEPs regarding technicalities” (Coremans 2016, p. 12). To sum up, due to lack of organisational resources, the European Parliament is largely dependent on external expertise – and in particular on the competence of the Commission apparatus. As a result, one could expect that what the EP perceives as policy options is influenced by the Commission’s own position. However, there are also factors particular to TTIP that should encourage the EP to develop its own distinct position.

The talks between the EU and the US became a lot more contentious than what the Commission expected. Previous trade agreements have gone by more or less unnoticed, but TTIP became subject to unprecedented public interest. In Austria, Germany and Luxembourg a majority of the population have been opposed to the agreement for a long time. While people may favour a deal in other member states, a lot of countries have experienced a marked drop in public support (Eurobarometers 2014-2016). TTIP has also been a difficult issue for the European Parliament, especially for some of its political groups. It was supposed to decide on its recommendations on the negotiations in June 2015, but ended up postponing the vote, officially because there were too many amendments tabled.

Furthermore, MEPs have been in a favourable position to monitor, and have an impact on, the talks between EU and the US. National parliamentarians had great difficulties accessing the necessary documents to monitor the TTIP-negotiations. This was especially the case for the so-called “consolidated texts”, which also include the positions of the US-government. The EP, by contrast, has been successful in pushing for access to confidential documents for all MEPs, as opposed to only a restricted group of

³ The group included the chair of INTA (who was also the rapporteur), shadow rapporteurs as well as chairs and rapporteurs of 14 other committees.

parliamentarians (European Parliament 2015). Thus, one could argue that TTIP is a chance for MEPs to demonstrate their importance as European legislators, and – because of the high level of politicization - it is also a case where MEPs might be called out on their positions. As elected representatives, MEPs should pay attention to the concerns of their voters, but at the same time the EP wants to see the talks succeed and has encouraged member states to make a better effort at selling it to their respective citizens (European Parliament 2015).

Finally, the increasing politicization of the TTIP-debate gives us a good opportunity to explore whether there are differences in what type of expertise that prevails in situations of low versus high levels of public contestation. Radaelli has claimed that the “power of expertise is being counterbalanced by politicization” (1999, p. 757). Similarly, Boswell (2008) argues that as long as decision-making follow a technocratic logic, knowledge claims are more likely to prevail, but not in situations where “popular support is considered decisive” (p. 474). Comparing the resolutions from 2013 and 2015, allows us to explore the impact of politicization on the EP’s reliance on expertise from the Commission.

METHODS AND DATA

To investigate to what extent, and how, expertise from the Commission influence the European Parliament’s positions, we conduct a qualitative content analysis of central Commission documents on the TTIP process and two European Parliament resolutions. This approach allows us to trace the extent to which content originating in the Commission documents is incorporated and discussed by the European Parliament, at different points during the TTIP policy-making process. It also allows us to analyse what types of content is taken up, if any.⁴

⁴ The software package Nvivo was used for the analysis. For more details on qualitative content analysis and comparison, see Bauer (2000).

Data

The data for our qualitative content analysis are two TTIP resolutions by the European Parliament, and central Commission documents in the TTIP process, including expert reports. We have excluded position papers and other documents written as input to the negotiations and thus aimed at counterparts in the negotiations, as well as press documents and other documents aimed at the general public. Table 1 presents the full list of sources included in the analysis.

Table 1

Doc. No.	Document type	Author	Date	Document title
1	Resolution	European Parliament	23.05.2013	European Parliament resolution of 23 May 2013 on EU trade and investment negotiations with the United States of America (2013/2558(RSP))
2	Report	European Parliament	01.06.2015	Report containing the European Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) (2014/2228(INI))
3	Resolution	European Parliament	08.07.2015	European Parliament resolution of 8 July 2015 containing the European Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP) (2014/2228(INI))
4	working document	European Parliament	09.01.2015	Working Document in view of preparing the draft report on Parliament's recommendations to the Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)
5	Report	HLWG	11.02.2013	Final Report, High Level Working Group in Jobs and Growth
6	Report	CEPR	03.2013	Reducing Transatlantic Barriers to Trade and Investment An Economic Assessment
7	Staff working	European	12.03.2013	Executive Summary of the Impact Assessment on the Future of the

	document	Commission		EU-US Trade Relations (SWD(2013) 69 final)
8	Staff working document	European Commission	12.03.2013	Impact Assessment Report on the future of EU-US trade relations (SWD(2013) 68 final)
9	Meeting minutes	Commission expert group	23.04.2014	TTIP Advisory Group Meeting Report, 23 April 2014
10	Meeting minutes	Commission expert group	12.06.2014	TTIP Advisory Group Meeting Report, 12 June 2014
11	Meeting minutes	Commission expert group	18.09.2014	TTIP Advisory Group Meeting Report, 18 September 2014
12	Meeting minutes	Commission expert group	28.10.2014	TTIP Advisory Group Meeting Report, 28 October 2014
13	Meeting minutes	Commission expert group	16.01.2015	TTIP Advisory Group Meeting Report, 16 January 2015
14	Meeting minutes	Commission expert group	27.02.2015	TTIP Advisory Group Meeting Report, 27 February 2015
15	Meeting minutes	Commission expert group	17.04.2015	TTIP Advisory Group Meeting Report, 17 April 2015
16	Meeting minutes	Commission expert group	08.05.2015	TTIP Advisory Group Meeting Report, 8 May 2015
17	Meeting minutes	Commission expert group	26.05.2015	TTIP Advisory Group Meeting Report, 26 May 2015

The parliamentary resolutions included in our analysis were chosen to reflect the discussion at two different points in the negotiating process. The first EP resolution from May 2013, was issued before the launch of the negotiations. The second resolution, from December 2015, was written at a time when concerns for the content and consequences of the agreement emerged in the European public and

people took to the streets. We have also included a European Parliament working document, as well as draft EP reports, in order to capture some of the internal TTIP discussions within the EP before the final resolutions were decided.

As we aim to study whether expertise originating from the Commission has influenced the EP resolutions, we have included the main, publicly available TTIP-documents originating from the Commission and produced during the same time period. Most of these were written by people identified as experts by the Commission, while some were written by other working groups, or by the Commission itself. The main sources of expertise before 2013 is a report produced for the Commission by the Centre for Economic Policy Research (CEPR), London, a report produced by the High Level Working Group on Jobs and Growth (HLWG) where Commission bureaucrats, US bureaucrats and experts were members, and the TTIP impact assessment produced by the Commission. In January 2014, a TTIP Advisory Group was set up under the expert group system of the European Commission. We have included their meeting minutes in our analysis. Its mandate was to provide the EU negotiating team with expert advice on aspects of TTIP, but also to function as a stakeholder forum where policy perspectives can be discussed and shared with the Commission (European Commission 2014).

Coding

The coding process was inductive (see Boréus & Bergström, 2017; Schreier, 2014). Both authors coded a subset of the documents chosen for analysis – and created content codes during the process. The systematic classification of content by the two separate coders were then compared, and the final codebook decided upon. Both authors progressed to code the remaining material separately. This method allowed us to document the exact origin and content of statements that were carried over into parliamentary documents. However, there is potentially also much transfer of expertise that is difficult to classify precisely. When we find overlap between arguments between the different sources but no

direct reference is given, this could either mean that the EP has been influenced by our other source material, or that they are both influenced by something else. In our analysis, we distinguish between direct, explicit influence and such overlap.

The coding scheme is presented in table 2. It corresponds to well-known steps in policy-making processes: namely description of the problem a policy seeks to address, proposed solutions, expected positive and negative effects of a policy, and how the policy/these effects can be achieved.

The codes also make sense given what we know about expertise and inter-institutional relationships in the EU. From the literature, we know that the Commission has particular strength as an agenda-setter (Schmidt 2000; Moser 1996). Thus, the Commission could be expected to be most influential at the early stages of a policy process. The Commission has also been labelled a “policy entrepreneur”, where “the ability of managing knowledge generation processes” has been pointed to as a main factor in taking this role (Braun, 2009; see also Ellinas and Suleiman, 2012). Where one type of expertise might be particularly important in the problem-defining step – other types of expertise from the Commission might be available to and taken up by the EP for example in discussions over who will benefit from a policy and not.

Our coding scheme contains the following codes: whether a particular section of text describes the problem definition (‘diagnosis’), proposed solutions and alternative solutions, i.e. alternatives to TTIP (‘prescription’), expected costs and gains from TTIP and how these results will be distributed among different groups or actors (‘purpose’), and statements about the concrete content of the agreement (‘content’). For analytical purposes we also include codes for direct reference to sources for statements (‘reference’).

Table 2

Code	Code description
1. Diagnosis	Problem definition
2. Prescription	Proposed solutions: TTIP Policy alternatives to TTIP
2. Purpose	Economic benefits and costs <ul style="list-style-type: none"> i. In general terms ii. Specific estimates iii. Differentiated: referring to sectors; actors “Political” benefits and costs <ul style="list-style-type: none"> i. In general terms ii. Specific estimates iii. Differentiated: referring to sectors; actors
4. Content	Statements about the content of the agreement
References	Explicit references to others (authority)

ANALYSIS AND DISCUSSION

The European Parliament’s 2013-resolution

The EP adopted its resolution on EU trade and investment negotiations with the United States of America on the 23rd of May 2013 (European Parliament 2013). In it, the EP encouraged the Council to give the Commission a mandate for launching negotiations with the US. The question is, to what extent did the EP’s conclusions build on expert knowledge emanating from the Commission, and if so what characterises this expertise?

1. Diagnosis

The reports by the CEPR and the High Level Working Group (HLWG), as well as assessments by the Commission, clearly shaped the EP's initial focus on the TTIP negotiations in terms of which main problems the agreement seeks to address. The EP's first report on TTIP has several passages that adopt the diagnostic focus and formulations of the HLWG in particular. Both reports present identical descriptions of the current trade patterns – both refer to the same numbers to explain the magnitude of bilateral trade and investment. Furthermore, the HLWG and CEPR reports as well as the Commission identify Non-Tariff Barriers (NTBs) as the greatest hindrance to increased transatlantic trade. Although the EP does not quantify the cost of continuing NTBs, it does explicitly support the conclusions of the HLWG and even quotes it directly in its resolution. Both the Commission and the EP also emphasise the importance of the negotiations in light of Western economic decline, but whereas the Commission quantifies the development of the EU's relative position in world trade, the EP underlines the economic crisis and emerging economies.

2. Prescription

As regards the general prescription, the EP resolution quotes both the HLWG and the CEPR reports when supporting the conclusion that the EU should negotiate a broad and comprehensive agreement on trade with the US. Specific estimates are picked up and carried over from experts, to the Commission documents, and then to the EP. The resolution does not explicitly deal with alternatives to TTIP. The CEPR report and HLWG report, however, do this assessment – and the Commission uses the CEPR report to argue for TTIP over the suggested alternatives. In the EP resolution, the conclusion that the form of agreement TTIP is aiming to be is better than other, alternative solutions is quoted, and attributed to the HLWG, without further discussion or questioning. It is worth noting that while the EP adopts and explicitly refers to the general recommendations from the HLWG and the CEPR reports as to the problem

formulation, the prescriptive, and the expected results of TTIP, they do not quote the assumptions, methodology, etc. that these conclusions hinge on.

3. Purpose

The EP follows the HLWG, CEPR and the Commission's focus on reaching some form of convergence on regulatory issues, but also in setting global standards. The EP places some weight on how the agreement will be beneficial for both economies, which is also a key message in the CEPR report. Especially with regard to its depiction of the expected results of the agreement, the EP copies the CEPR-report, and refers explicitly to it, citing estimates of export increases and economic gains. The EP is also clear on how TTIP will be beneficial for business, particularly SMEs, as is both the Commission and the HLWG, but it is perhaps more difficult to trace a direct transfer of expertise in more general passages about the benefits of the agreement. Moreover, where the HLWG and the CEPR reports are "neutral" in terms of benefits for the two parties, the EP unsurprisingly focuses more on benefits for European companies and consumers. While productivity, efficiency, income and competitiveness benefits are key themes for the HLWG report, CEPR report and COM impact assessment, they are not important topics in the EP resolution.

Still, the positive messages of economic benefits given especially by the CEPR report are accepted and repeated by both the Commission and the EP. In a similar manner as the HLWG and CEPR, the EP is eager to underline the potential political benefits of TTIP, particularly with regards to setting global standards. Whereas the CEPR and HLWG address this issue in a more technical manner, for instance they discuss the assumptions and mechanisms through which TTIP can become globally beneficial, and provide model estimates of magnitudes, the EP makes more sweeping claims about the importance of global rules. Thus, the EP – and the Commission – use expert arguments to highlight the purpose or expected benefits of TTIP, but in a more generalised form than the expert reports.

4. Content

The Parliament ends its resolution with a reminder to the Commission and Council that the EP “will be asked to give its consent to the future TTIP agreement” (...) ”and that its positions should therefore be duly taken into account at all stages” (European Parliament 2013). And it is on the more specific content of the negotiations that the EP most clearly departs from the expert advice to signal its own considerations and distinct positions.

Both expert reports as well as the Commission mention that there are legitimate reasons not to change, but merely reduce, some types of regulations, as well as to exclude the most sensitive tariffs from the EU/US talks. But the Parliament goes much further in identifying, and is much more specific about, which sectors and issues should be shielded during the negotiations. What is particularly interesting about these specifications is that they were added as a result of amendments in the committee proceedings, that is, they were not part of the original draft by the EP-rapporteur. This is the case for the protection of cultural and audiovisual policies – an amendment proposed by French MEP, Henri Weber (S&D). Similarly, amendments were introduced to emphasise the inclusion of transportation (amendment 123), financial services (amendments 158 + 159), as well as the added emphasis on sensitive differences between the EU and the US in fields such as the agricultural sector and Genetically Modified Organisms (GMOs) (amendment 183). The differences between the initial draft of the report and the final resolution suggests that while experts and the Commission gives invaluable information for the EP’s rapporteur, it may also create a tunnel vision and draw attention to a limited set of issues. This is in line with our finding that expert reports are very influential in terms of the problem definition and prescription.

Summing up, there is no doubt that the EP did rely on expert knowledge in drafting the 2013 resolution. A good example is how a whole section is devoted to praising the work of the High Level Working Group, where the EP opens with stating that it: “Welcomes the release of the HLWG Final Report and fully

endorses the recommendation to launch negotiations for a comprehensive trade and investment agreement”^[1].^[2] The EP followed the HLWG report in particular, but also the CEPR report to significant extent. It adopted expert premises that define and describe why there is a need for a transatlantic free trade agreement, as well as the conclusion that the EU should aim to negotiate a broad and comprehensive trade agreement with the US. Regarding the purpose of the agreement, the EP is more political and its statements are general and contain few of the premises from the expert documents although the message is the same.

The question is if this is enough to qualify as a transfer of expertise? Although one can identify a common core in the purpose expressed by the EP and the expert reports, the EP’s statements are at such a general level that it does not necessarily count as expertise-based. The comparison between the expert reports, the Commission documents, and the EP resolution shows that the type of expertise that did prevail was the specific estimates and premises – the diagnostic elements describing the economic status quo, and more importantly the estimates of the potential results of the agreement. In other words, the premises upon which the EP build its first set of conclusions – and its recommendation to open negotiations – largely rests on expert knowledge acquired from EU-level expert advice. The subsequent question is how this patterns compares to the resolution of 2015.

The European Parliament’s 2015- resolution

When the European Parliament wrote its second TTIP resolution in 2015, the political context had changed dramatically. In several countries the public support for TTIP had dropped and campaign organizations had been established and were promoting their cause across Europe. The Stop TTIP Campaign, with headquarters in Berlin, had for instance attempted to organize a European Citizen Initiative directed against TTIP as well as the EU’s trade agreement with Canada. Furthermore, within the EU, pressure for more openness and transparency was amassing. In response to heavy criticism, the Commission made the negotiation directives public in October 2014, and in November issued a set of

suggestions to increase the transparency of the negotiations “in order to win public trust and support for the TTIP” (Commission 2014: 1). As the context changed and the TTIP debate turned more sceptical – do we see any difference in how the EP used expertise?

1 & 2. Diagnosis and prescription

In the 2015 resolution diagnostic statements about the need for TTIP and discussions about proposed solutions (‘prescription’) are less prevalent than in 2013. This is natural, since the negotiations at this point had been ongoing for almost two years. The TTIP Advisory Group does not seem to be heavily involved in discussions about which problems TTIP are aimed at either - perhaps because the group was created after the negotiating mandate and initial focus and problem formulation was already decided.

3. Purpose

However, the EP documents that we study from this period explicitly question the knowledge-base both of the diagnostics and of the potential benefits and results of a EU/US trade agreement: “it is difficult to assess the real impact of TTIP on both the EU and US economies and to predict while negotiations are ongoing and studies show contradictory results” (European Parliament 2015b). This is a clear departure from the 2013 resolution, where conclusions about expected benefits from TTIP were hardly questioned. Still, the EP goes a lot further in specifying the political reasons for why TTIP will help the EU economy, which is a bit of a paradox, given their hesitations about the economic benefits. The EP’s emphasis is largely on global governance and the need for the EU and the US to respond to the changing geoeconomic and to a certain extent also geopolitical realities. These are topics that we do not find in the expert or the Commission documents.

Compared to the 2013-resolution, the need for regulatory convergence is not reiterated throughout the document, and the EP places a lot more emphasis on red lines, e.g. the protection of health and safety, consumer, labour, environmental legislation and cultural diversity that exists with the EU” (European

Parliament 2015a). Similar concerns are raised in the TTIP Advisory Group, but it is difficult to know if the EP is being influenced by the Advisory Group – as they make no direct reference to it. The Parliament is clearly attempting to send a political message to the negotiators on both sides of the Atlantic, that although there is a need to address regulatory obstacles to free trade – there are clear limits to how far the MEPs are willing to go – especially if it means forfeiting on what they conceive of as particular European standards. The 2013-resolution also called for an ambitious agreement, but it was much more focused on purely economic objectives. Two years later, the European Parliament is not only calling for the EU and US to set global standards – it is signalling that it expects the TTIP to safeguard European standards.

4. Content

In the 2015 resolution, the EP is more specific about more sectors and issues, both in terms of what they want to have included, what they want to not have included, and more details in terms of regulation, etc.: “Negotiators on both sides need to identify and be clear about which regulations are fundamental and cannot be compromised on and which regulations can be subject of reducing red tape. There have to be clear commitments where harmonization, where mutual recognition and where just information is possible” (European Parliament 2015b). The same can be said for the Advisory Group, which in the coding under ‘content’ request details on a lot of specific areas from the Commission. They also discuss their own role, as well as push for more transparency in TTIP. The European Parliament do the same – they remind the Commission of the Parliament’s role in negotiations and their power to stop an agreement if they do not agree with it, and they are also pushing for the Commission to be more transparent regarding the TTIP negotiations. This point is made both more explicit and detailed than previous round. Transparency and involvement was brought up in the 2013-resolution as well, but in the 2015 version – against the background of how the negotiations have unfolded – the EP has a whole section devoted to “transparency, civil society involvement, public and political outreach”.

Naturally, the EP goes a lot further in its requirements directed at the negotiators compared to the Advisory Group. Particularly striking compared to the 2013-resolution is how the EP approaches the issue of the Investor-State Dispute Settlement (ISDS). Even more than the chlorine-chicken, hormone beef and GMOs, ISDS is the single issue that opponents use to justify their rejection of TTIP (de Ville and Siles-Brügge 2015). Moreover, the salience of this issue increased dramatically during the period we are studying. While few mention ISDS at the launch of and first rounds of negotiations, it gains in traction throughout 2014, and in some countries such as Germany is at the top of the agenda for national political parties as well – in particular the Social Democratic Party (SPD). This conflict resonates in the European Parliament where the S&D-group was unable to settle on a position on ISDS. It initially agreed to support it – although the February draft report expresses clear scepticism about the need for its inclusion – S&D tears apart come spring, and ends up demanding an exclusion. Thus, the report preparing the resolution calls for the Commission to “oppose the inclusion of ISDS in the TTIP” (European Parliament 2015b). While the resolution itself calls for a replacement of “the ISDS system with a new system for resolving disputes between investors and states which is subject to democratic principles and scrutiny” (European Parliament 2015c).

Thus, the 2015 is first and foremost a much more political document, where the EP clearly signals its priorities and raises its major concerns about the ongoing negotiations. As a consequence, it is also a much more detailed resolution, because the EP goes to great length in delineating the many caveats they have as regards the content of the potential agreement. Interestingly, the EP also seems to question some of the conclusions of the 2013 resolution as to expected benefits of TTIP that were adopted from expert reports and the HLWG, as well as the Commission impact assessment. In the 2015 report, there is much less reference to such documents, which makes it harder to trace the input.

CONCLUDING DISCUSSION

The content analysis of the 2013 EP resolution gives a clear picture as to what type of expertise has been transferred through the policy-making process. Expertise and conclusions from the CEPR report commissioned by the Commission, input by the High Level Working Group where the Commission participated, and the impact assessment by the Commission influenced the first EP resolution to a large extent. The type of expertise that transferred to the EP, were specific estimates and the general conclusions that followed. With parliamentarians being generalists, this is arguably the type of specific premises and technical evidence they themselves are lacking. However, they do not adopt the assumptions or finer points of methodology and economic modelling. In this important first phase, the problem formulation and the prescription were set out – and these were based on expert modelling and calculations as to expected results. The latter were rarely questioned by the Parliament, although the Green and Socialist party groups raised critical points. MEP Yadot, leader of the Greens, stated that he was surprised that the representative of the Presidency was simply repeating assessments of the economic benefits of the TTIP, which were made on highly questionable assumptions. But his was one of few voices, and was also challenged during the debate by a Liberal MEP who wanted to know if he was accusing the said minister of lying to the Parliament (EP-plenary, 22/05/2013). The analysis of the 2013 EP resolution thus supports the existing literature, with the EP reliant on the Commission for policy expertise.

The picture is more nuanced when looking at the second EP resolution. As we argue above – this document comes across as much more political. It refers less to experts and to the Commission's input, but rather spell out areas and issues that are important to the Parliament. It is difficult, then, to say how expertise has transferred to the EP in this second period – beyond that it seems to have had less of an influence. Furthermore, we can say that the Commission's knowledge-base does seem to widen – as the TTIP Advisory Group raises a lot of issues going far beyond the initial expert input, which was much more

focused on a narrow set of questions, and a specific way of arriving at conclusions through economic modelling.

Still, our results suggest that the Commission and Commission experts were able to set the premises early in the TTIP policy process, and that this, in addition to the procedural advantages of being the first mover, is also due to expert knowledge resources. This confirms what previous literature has proposed – that institutions which wield expertise resources have a unique opportunity to influence the policy process. The Parliament seems to be a “passive” receiver of this expertise – and its recommendations in the first resolution is based on a relatively narrow expertise input largely provided by the Commission and experts. At this initial stage – the problem formulation, purpose, and type of agreement seem to be “locked in” – even though these were to a large extent based on expert-derived estimates of results that have later been questioned and criticized. In this way, our findings highlight the issue of how non-experts assess expertise, as known from the literature. Even though the EP later questions the expected results, they do not go back on the purpose and type of agreement, and the focus areas and structure of negotiations spelled out in the initial period are shaping ensuing debates.

If the first period is a case of one-way and direct transfer of expertise from a small set of specific, Commission-related sources to the EP, this mechanism is all but absent during the second period. A main change between these two periods is the politicization of TTIP, as well as an increased scepticism towards the Commission. This scepticism also encompassed the knowledge-base for TTIP, which could have had an affect on how expertise transfer takes place. From 2014 onwards, the EP’s own Research Service produced reports on various salient topics, and several of the EP’s policy departments commissioned its own external studies on topics such as financial services and agri-foods.⁵ This indicates that the EP sees a need to diversify its knowledge-base in response to both the contestation of the TTIP

⁵ <http://www.europarl.europa.eu/unitedstates/en/eu-us-relations/ttip-transatlantic-trade-and-investment-partnership?webaction=view.acceptCookies>, last accessed 11/12/2017.

itself, and the expert opinions that it has relied upon previously. In the 2015-resolution, we also see a reduction in focus on technical knowledge and an increase in focus on political arguments. To an extent, this goes with the territory of the task in hand, which is to make recommendations to the Commission on the ongoing negotiations.

As mentioned in the beginning, TTIP has been a difficult issue for the EP, and particularly for some of its political groups. Thus, the increased public contention was reproduced within the Parliament as well. A dilemma for the EP is that even if it wants to signal a strong stance vis-à-vis the Commission and the Council – or at least show that it has an independent stance on the matter at hand, it is still utterly dependent on the former for information about the negotiation process. Negotiating documents are restricted or confidential documents with rigorous restrictions on access. So even when MEPs get access, they may for instance not be able to bring their staff with them to assist them in deciphering these highly technical documents. In the words of one interviewee, this entails that “when you are not knowledgeable and know the area you are completely lost” (interview with MEP, 2017).

Finally, a key issue that emanates from the finding of this paper, and that is rarely touched upon in the literature is the difference between receiving information and relying on expertise. Of course the EP is dependent on the Commission to know what is being discussed in the talks with the US, but to the extent that it also relies on its expertise to be able to shape its own position is another matter. In comparing the 2013 and 2015 resolutions, one might infer that only the most disputed or politicized issues receive enough attention for it to “break free” from the routine of copy-pasting the Commission’s position. The TTIP-agreement did become sufficiently controversial for the EP to make that leap, but the question remains how many of the EU’s other – largely uncontroversial – trade agreements, or for that matter ordinary legislation, receives the same treatment.

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