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**MEMBER STATE INVOLVEMENT IN THE AREA OF EU EXCLUSIVE
COMPETENCE: THE CASE OF THE EU-CANADA COMPREHENSIVE
ECONOMIC AND TRADE AGREEMENT**

MA thesis

Supervisor: Piret Ehin, PhD

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Abstract

Free and open trade is crucial for the European Union. Currently, the EU is the world's largest trading bloc managing trade and investment relations with non-EU countries. The common commercial policy is the area of EU exclusive Competence. The Commission is responsible for legislation on trade matters, and for concluding international trade agreements. Despite this member states are not entirely excluded from trade negotiations. This thesis looks at negotiation process of the EU-Canada Comprehensive Economic and Trade Agreement (CETA) signed in 2016, with parts of it coming into force already in 2017. Using theoretical framework of liberal intergovernmentalism and principal-agent framework this thesis seeks to answer how, and to what extent, the large member states of the EU influence the negotiations of an international trade agreement. CETA case proves that large member states can influence the area of EU exclusive competence. Member states have been involved in certain stages of the negotiation process. Moreover, the level of influence depends on the domestic situation, governments' stances and national interests.

Keywords: liberal intergovernmentalism; principal-agent framework; Canada; European Union; large member states; EU trade policy; CETA

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Introduction

Free and open trade is crucial for the European Union. Openness has helped the EU to develop into the world's largest trading bloc managing trade and investment relations with non-EU countries. The EU stresses that trade will remain an important engine of economic growth in the future. Because "90% of global economic growth will be generated outside the EU in the next 10 to 15 years, it is extremely important for Europe that global trade is not restricted" (Baartman and Meijnders, 2017). The numbers, actions and predictions confirm the importance of the trade area and how crucial policy area it is for the EU and its further development.

The common commercial policy is the area of EU exclusive Competence. Therefore, the Commission is responsible for legislation on trade matters, and for concluding international trade agreements. Despite this, member states are not entirely excluded from trade negotiations with non-EU countries. Trade negotiations are done in close cooperation and regular contact with the Council of the EU (the Council) and European Parliament who ultimately approve the overall agreement (The European Commission, 2012, p.3). As the Commission works on behalf of the EU, the concerns of the member states are taken into account. The Commission has to remain "fully accountable to the European civil society, the Member States and the European Parliament that exercise democratic control. The EU trade policy is created and implemented in a transparent and democratic manner to serve the European citizen, create jobs and ensure economic prosperity" (The European Commission, 2013, p.5). In sum, on one hand, trade negotiations are exclusive competence of the EU, which would mean full responsibility from the Commission, but on the other, the Council is still from the beginning and throughout involved in the negotiation process.

The main aim of this thesis is to investigate the level of influence of individual member states in EU common commercial policy. Specifically, this thesis will focus on the negotiation process of the EU-Canada Comprehensive Economic and Trade Agreement (CETA) signed in 2016, with parts of it coming into force already in 2017. As a trade agreement between the EU and Canada, its main aim is to create jobs, growth and stimulate economic growth in general. Canada for Europe is a large market for export and country rich in natural resources that Europe needs. The agreement is comprehensive and, since it commits to promote labour rights, environmental protection

and sustainable development, progressive at the same time (The European Commission, 2017). Thus CETA is beneficial for both sides. But throughout the negotiation process and even after when it had to be approved in national parliaments it has raised significant discussions and preference divergence between the Commission and the member states. For example, whether the agreement has to be finalized as ‘mixed’ or ‘EU-only’ agreement, or making changes in certain clauses. CETA has been used as an example to explain and investigate other aspects of EU trade negotiation process. Such as how democratic and transparent are EU negotiations, other actors such as civil society involvement in trade negotiations etc. So far the member state involvement has not yet been investigated. Thus, this thesis with CETA as a new case for EU trade policy will be a good example to investigate the involvement of member states in the EU’s exclusive competence.

The main research question of the thesis is – how, and to what extent, do the large member states of the EU influence the negotiations of an international trade agreement?

The thesis focuses on six largest EU member states – Spain, Italy, Poland, Germany, France, the United Kingdom. Theoretically assuming that based on certain criteria these would be considered large member states, their influence would be greater in the process of CETA negotiations. The following four criteria are taken into account. First of all, they are economically bigger. Secondly, countries with larger population have greater influence upon voting in the EU. Thirdly, they are more effective in “side deal” making. Finally, large member states are more likely to be ready to use veto power in the EU decisions. To answer the main research question, for this thesis there has been used qualitative content analysis. Empirical part is based on the liberal intergovernmentalism and supplemented by the principal-agent framework. These approaches give a framework for how states are involved in the decision-making process and what is the hierarchy between the actors. The analysis is based on EU official document analysis, voting results, country official statements, government reports, interviews (available in member state government, parliament, foreign ministry official webpages) and different media coverage. It helps to see the actions of member states through all four stages - what were their preferences in CETA and what they do to achieve the desired results. In the end, with the use of all this material, it is possible to

ascertain and assess the influence of the member states in CETA negotiation process. For this thesis using CETA as a case study for a negotiated international trade agreement, member state influence will be analysed through four stages – the beginning of the negotiations; throughout; finalisation; and the period after finalisation. To answer the main research question, the following criteria will be analyzed for each country – benefits of CETA; government, parliament, civil society support/opposition to CETA; turning points in a position change towards CETA; areas of dissatisfaction; result; ratification.

The thesis has been divided into three parts. The first chapter provides an overview of liberal intergovernmentalism explaining what is the member state role in the EU and how they are involved in the decision-making process. Liberal intergovernmentalism has been supplemented with a principal-agent framework which explains the member state role as principal and the Commission as an agent in international trade negotiations. The second chapter lays out the methodology of this thesis. In third chapter of empirical analysis there has been investigated the member state involvement in CETA negotiations, starting with the overview on how EU negotiates trade agreements and overview of CETA negotiation process, followed by other actors such as Commission's involvement in CETA, concluding with analysis and assessment of the involvement of Poland, Germany, Italy, France, the UK, Spain in CETA negotiations.

1. Liberal intergovernmentalism and EU trade agreements

To investigate the level of influence of member states in the trade negotiation process, this thesis relies on theories of European integration which seek to explain how the EU has developed and reached its current form, as well as the role of that the member states play in the EU. Specifically, this thesis will rely on the theory of liberal intergovernmentalism developed by Andrew Moravcsik in his book “The Choice for Europe: Social Purpose and State Power from Messina to Maastricht” (Moravcsik, 1998). Liberal intergovernmentalism looks at three phases of international negotiations – national preference formation, interstate bargaining, and institutional choice –, and the role of states in each stage. Liberal intergovernmentalism explains what opportunities states have to influence decision-making on the EU level. To supplement the idea of member state involvement, I will use the principal-agent framework which describes the member state role as principal and the Commission as an agent in international trade negotiations.

1.1. Liberal intergovernmentalism

Andrew Moravcsik’s research and teaching areas include European integration, transnational democracy, negotiation analysis, international relations theory, etc. His analytical history of the European Union “The Choice for Europe: Social Purpose and State Power from Messina to Maastricht” is declared “the most important work in the field” by American Historical Review (Woodrow Wilson School of Public and International Affairs, 2018). The book helps to understand European integration, explaining “why sovereign governments in Europe have repeatedly chosen to coordinate their core economic policies and surrender sovereign prerogatives within an international institution” (Moravscik, 2018, p.1). The central claim is that “the broad lines of European integration since 1955 reflect three factors: patterns of commercial advantage, the relative bargaining power of important governments, and the incentives to enhance the credibility of interstate commitments” (Moravscik, 2018, p.3). In his book, Moravcsik has outlined an approach that explains the European integration. His main argument is that European integration can be explained as “a series of rational

choices made by national leaders” (Moravcsik, 1998, p.18). He further analyses these choices through three phases of international negotiations – national preference formation, interstate bargaining, and institutional choice. The main aim of this thesis is to investigate the level of influence of individual member states in EU common commercial policy; liberal intergovernmentalism provides the theoretical framework for understanding how member states can influence international negotiations.

Moravcsik’s ideas were developed under Stanley Hoffmann’s intergovernmentalism. Like Hoffmann, he criticises neo-functionalism, arguing that it failed to explain the evolution of the European Community (EC) itself (Bache and George, 2006, p.12). For Moravcsik, theories need to be supplemented by general theories of national responses to international interdependence; development of common policy responses needed to be looked at as much as institutional transfers of competence; only more than one theory can explain the complexity of the EC policy making (Bache and George, 2006,p.12). Further Moravcsik stresses that the significant integration decisions are better explained with narrowed and more generalised theories of economic interests, bargaining, and institutional choice drawn from the general literature of international cooperation. Therefore, to structure this kind of inquiry he has used the rationalist framework of international cooperation (Moravcsik, 1998, p.19).

As Moravcsik explains, rationalist framework has proposed three stages of international negotiations and each level explaining with a different theory. At first, governments formulate a consistent set of national preferences. Preferences have been designated not merely as a particular set of policy goals, but as a set of underlying national objectives independent of any specific international negotiation to expand exports, to enhance security, or to realise some ideational goal. In the second stage, states develop strategies and bargain with one another to reach substantive agreements that realize those national preferences more efficiently than through unilateral actions. Last but not least states choose whether to delegate and pool sovereignty in international institutions that secure the substantive agreements they have made (Moravcsik, 1998,p. 20).

Moravcsik’s analysis concluded that choices were made on the national government preferences, not the supranational organization preferences. National preferences were a balance of economic interests, not the political biases or strategic

security concerns. The outcome of the negotiations depended on the relative bargaining power of the states (Bache and George, 2006, p.13). His research suggests that states are essential players in the negotiations and that the next stages are used to agree on the common ground under state preferences using supranational institutions. For this research on this basis, it is important to take into account the primary role of the states and broader picture how decisions are made on the EU level. Therefore further theoretical framework of this thesis will take a closer look at these three stages.

The first stage in explaining the outcome of international negotiations is to set out the national preferences. Moravcsik defines them as “an ordered and weighted set of values placed on future substantive outcomes (“states of the world”), that might result from international political interaction (Moravcsik, 1998, p. 24). Furthermore, different substantial domestic actors are involved in preference formation, but states are the main actors that ensure consistent preference function. Other actors such as domestic social groups are using political institutions to pursue their interests, therefore, putting pressure on the governments (Moravcsik and Schimmelfennig, 2009, 69). For the trade negotiations it is especially important that the states are representing their interests in supranational level. Moreover, recent trade negotiations have shown that civil society groups can influence national governments and change the conditions of the agreements. At the same time, liberal intergovernmentalism states that preferences are not fixed or uninformed because they vary among states on different levels.

Furthermore, the preferences are ‘issue-specific’. Moravcsik’s research confirms that national government preferences reflected economic interests, as opposed to, for example, security concerns or European goals. At the same time, he notes that specific domestic sectoral and geopolitical interests can influence specific preference making (Moravcsik and Schimmelfennig, 2009, 70). Hence from the first phase, this research should show that that the EU member states have issue-specific interests, taking into account that different domestic actors have influenced them. On the next level states bring their preferences for the interstate bargaining.

Liberal intergovernmentalism argues that preferences of states rarely coincide and to find common ground for the international cooperation bargaining theory has been used. Moravcsik stresses that treaty-amending negotiations have to be treated as bargaining games over the precise terms of mutually beneficial cooperation (Moravcsik,

1998, p.51). Thus on second level (bargaining) states have to find common ground on two aspects – coordination or cooperation for mutual benefit and how the mutual gains will be distributed between them. Hence the outcome of the international negotiations depends on the relative bargaining power of states (Moravcsik and Schimmelfennig, 2009, p.71).

In the EU context liberal intergovernmentalism argues that asymmetrical interdependence which is unequal benefit distribution from the agreement and general information about the preferences and agreement itself plays an essential role. Considering that, there is a chance that the actors that would not gain from the agreement would threaten others with non-cooperation and force for compromises for their interests. In addition to that, the actors that have more information about other preferences and the working structure of institutions can influence the outcome for their advantage. (Moravcsik and Schimmelfennig, 2009,p.71).

Therefore the bargaining level is essential for member states to secure their interests. Thus bargaining power is crucial. Theoretically, larger states ensure that their preferences have been taken into account because they have more resource opportunities. But at the same time, it can create more aggressive competition and debate between them. That is why the third level of institutional choice ensures the creation of credible commitments for member states, making sure that the national governments will stick to their side of the bargain.

Following neoliberal institutionalism, liberal intergovernmentalism argues that international institutions are necessary for maintaining a stable international cooperation. Moravcsik argues that there are three explanations for delegation and why states pool their sovereignty. The first one is federalist ideology where support for delegation and pooling varies across the countries, not the issues. Second, there is a need for centralised, technocratic coordination, and planning. In this case, issues vary across the countries. Third, there is a desire for more credible commitments (Moravcsik, 1998, p. 68-69). In overall international institutions are those who help states to reach a mutually beneficial outcome. Institutions help to reduce the transaction costs for international negotiations on specific issues and provide information about the other member state preferences, therefore reducing the uncertainty between them. Transferred sovereignty to institutions helps states to avoid the influence of domestic politics, and

decentralised intergovernmental control (Moravcsik and Schimmelfennig, 2009, p.72). Trade policy shows that institutional choice for the trade negotiation mandate has been given from the member states to the Commission. But at the same time, CETA has made a precedent by questioning the Commissions role and member state role – which are the exclusive and which are the shared competences between them.

On one hand liberal intergovernmentalism provides a framework for European integration and its decision making, but on the other hand, several field scholars have questioned the underlying theoretical assumptions of the liberal intergovernmentalism. One of the scholar groups agrees on Moravcsik's rational choice and historical institutionalism rubrics, but they do not accept intergovernmental bargaining without institutions as an accurate description of the EU policy-making process. Moreover, scholars who are representing sociological institutionalism and constructivism do not comply with the methodological individualism of rational choice theory (Pollack, 2005, 19).

For example, Leon Lindberg argues that part of the Moravcsik's arguments can be used to strengthen certain neo-functionalist assumptions. He draws attention to the role of the supranational institutions and claims that Moravcsik's empirical analysis on three stages of international negotiations can be used not only in reviewing the member states', but also in understanding the Commission's work. If Moravcsik's analysis includes the socializing qualities of the intergovernmental institutions, then Lindberg draws an analogy between the "Commission's ability to gain entrepreneurial advantage from diversity of preferences among member states on one hand and member state governments' abilities to play off divided domestic interests on the other" (Rosamond, 2000, 145).

An important argument has been laid out by Daniel Wincott. He claims that the liberal intergovernmentalism should be thought as an approach rather than a theory. An argument has been justified with the fact that liberal intergovernmentalism does not have circumstances in which it can be empirically proven, and therefore main assumptions are not working, arguing that Moravcsik has only chosen certain sources for the explanation. Wincott has developed his approach, not through the emphasis on the role of the supranational institutions, but rather on the significance of the interaction between these institutions. He criticises liberal intergovernmentalism's failure to

theorise policy feedbacks into the EU system which are the results of the previously made decisions, as well (Rosamond, 2000, 146). Thus it does not make liberal intergovernmentalism a deductive theory. Moravcsik himself has responded that liberal intergovernmentalism is a theoretically justified first step, but it does not mean that his approach cannot be used for the analysis of the everyday decisions (Rosamond, 2000, 147). Moravcsik's empirical research has shown that it can be used to explain the EU decision making process. Even if it does not follow the "label" of the theory it can be used as an approach for narrower or broader decision making explanation in the EU. Therefore for this thesis, it helps to find out how member states have influenced trade negotiations.

Furthermore, Moravcsik's two-level game approach has been seen as too simplistic by some scholars. Scholars Smith and Ray have expanded the association between the two-level games and intergovernmentalism. Their analysis links the multi-level governance – recognising unique bargaining environment in European institutions and the decisive role of the non-state actors in the integration results. Additionally, to Putnam's two levels – international exchange and domestic politics – Smith, and Ray add extra three levels – institutionalised intergovernmental exchange; European Community – non-member government exchange; subnational exchange (Rosamond, 2000, 147).

Smith and Ray have tried to make a much broader framework for the involved actors. The decisive role of non-state actors now in the EU trade negotiations is evident more and more, and it is important to take it into consideration. At the same time for the liberal intergovernmentalism, it can be seen at the first stage of national preference formation, where state governments are starting the process by formulating the preferences based on the public interests as well. Within two levels it can already be possible to expand the involved actors and their interests as it covers the international exchange where then can be explained the EU and non-member government exchange and domestic level with the subnational exchange.

One of the theories that challenge liberal intergovernmentalism is supranational governance. It came prominently in the 1990s developed by authors Wayne Sandholtz and Alec Stone Sweet. Supranational governance's central argument, unlike the one of liberal intergovernmentalisms', claims that as the EU develops it transforms from

intergovernmental arrangement to a supranational polity. Sandholtz and Stone Sweet have proposed a continuum that stretches between two modes of governance: the intergovernmental, and the supranational. This continuum measures the movement from intergovernmental to supranational governance in three interrelated dimensions. First one, European Community (EC) rules that are legal and less formal behavioural restrictions produced by actions of political actors at the European level. Second, EC organisations as government structures in European level producing, performing and interpreting EC rules. And transnational society as non-governmental actors who engage in EC processes and influence policy-making processes and outcomes at the European level (Stone Sweet and Sandholtz, 1997, p.304). Moreover, they argue that member states are important, but intergovernmental bargaining and decision-making has changed in a way that it is embedded in processes that “are provoked and sustained by the expansion of transnational society, the pro-integrative activities of supranational organisations, and the growing density of supranational rules” (Stone Sweet and Sandholtz, 1997, p.300). Thus the capacity of member states to control outcomes reduces.

On one hand, supranational governance has offered a well-structured approach. Especially for this thesis both institutions and transnational society have to be taken into account. The Commission is the institution that negotiates the trade agreement on behalf of the EU with non-governmental actors being more involved as their interests have to be taken into account. And as further in this thesis can be seen governments take society’s interests into consideration for a position change. But on the other hand, the thesis aims to investigate the member state influence in trade negotiations. Thus liberal intergovernmentalism with the three stage international negotiations offers a better approach to look at the member state involvement. The thesis focuses on the narrowed process – the international negotiations – at first, and gradually moves through the preference setting stage where the non-governmental actors are involved, then to the bargaining stage, followed by a post-negotiation stage with institutions keeping the commitments of the governments.

Therefore liberal intergovernmentalism will be used as the main approach which is based on three phases of international negotiations – national preference formation, interstate bargaining, and institutional choice. First of all, the empirical analysis should

show that domestic preferences are economically driven. Secondly, in interstate bargaining, the countries with more resource power are more influential. Thirdly, institutions such as Commission are the ones that help the countries to keep the decisions of member states, gives more information on the issue and helps to avoid the influence from the domestic politics.

1.2. Principal-agent framework and EU trade agreements

According to the liberal intergovernmentalism, member states are the main actors and institutions are the ones that keep their credible commitments. To better explain this connection how member states delegate their powers to institutions principal-agent framework is used. Mark A. Pollack notes that rational choice institutionalists are those who have dedicated their research to the questions of “delegation to, and agency and agenda-setting by, supranational organisations such as the Commission” (Pollack, 2005, p. 376). Studies have addressed two specific sets of questions. First one, concerning why and under what conditions a group of member-state principals might delegate powers to supranational agents, such as the Commission, the European Central Bank or the European Court of Justice. This question has been covered by Moravcsik (1998), Majone (1996), and Pollack (2003) research. They have drawn from the theoretical literature on delegation in American, comparative, and international politics. The results show “the motives of EU member governments in delegating specific powers and functions to the Commission and other supranational actors” (Pollack, 2005, p. 376). Whereas, the second question asks – “What if an agent such as the Commission, the ECJ, or the ECB behaves in ways that diverge from the preferences of the principals?” (Pollack, 2005, p.377).

Consequentially rationalist studies show that principal-agent framework is based on the principle that member state delegates powers to supranational organisations. It is done to lower the transaction costs of policy-making; committing themselves to international agreements; to benefit from the supranational actor expertise on a particular issue (Pollack, 2005, p.376). Within the EU the power is mostly delegated to the Commission, the European Central Bank and the Court of Justice of the European Union or specialised agencies. The aim is to monitor member state compliance, how

they fulfil contracts, adopt implementing regulations that otherwise for the member states nationally would take a longer time (Pollack, 2005, 377). For this research, it is essential to use the principal-agent framework to analyse the interaction between the Commissions and the member states. It helps to answer the following questions: how much does the Commission possess; to what extent Commission is independent of member state decisions.

The answer to the question on “what if an agent behaves in ways that diverge from the preferences of the principals” lies in the administrative procedures “that the principals may establish to define ex-ante the scope of agency activities, along with the procedures that allow for ex-post oversight and sanctioning of errant agents” (Pollack, 2005, p.377). Furthermore, agency autonomy is more likely to vary across issue areas, based on the member states interests, exchange of the information between principals and agents, and decision rules that govern the application of sanctions or the adoption of new legislation (Pollack, 2005, p.377). But for the EU’s international trade negotiations, it has been concluded in analysis that the Commission enjoys independence in setting the EU trade policy, especially in international negotiations as a result of the delegation setting the agenda and negotiation conduct (Gstöhl and Bièvre, 2017,p.100). Trade is one of the economically important areas for the EU. Therefore, it could be said that member states would interact more. But at the same time, other research shows that in trade policy in international negotiations Commission enjoys more independence. Therefore theoretically this research should show that Commission enjoyed more independence from the member states while negotiating CETA, with the member states not involving persistently.

The important question is how to control the agent. When power is delegated to the Commission, member states have created committees of representatives. Rational choice analysts look at three committee groups - advisory, management, regulatory. The analysis shows that the Commission is least restricted under the advisory committee, but mostly restricted under the regulatory committee procedure. Making conclusion that influence of the Commission varies within the committees for the given issue area (Pollack, 2005, p.377). For the EU trade policy, there has been established Trade Policy Committee (TPC) of the member state representatives and the as well as for the Commission there is a requirement to report to the European Parliament's Committee on

International Trade (INTA) (Gstöhl and Bièvre, 2017,p. 104). The Commission is obliged to report to the TPC and INTA. Therefore, it is an interaction process, making sure that all interests are represented. Here already can be seen that in general the Commission has not been left alone during the negotiation process.

Interests can vary between actors, but if the interests are the same for the agent and the principal, then the agent is expected to implement the interests in line with the principals' preferences. At the same time it has been noted that agent can dispose of certain advantages – more information or technical expertise – to pursue their interests (Gstöhl and Bièvre, 2017, p.103). For the trade sometimes it has been assumed that the Commission holds liberal preferences than member states. As the Commission can have more information on trade opportunities and trade partners, it can lead to 'agency slack' – "agent behaviour that is not in complete accordance with the principals' preferences" (Gstöhl and Bièvre, 2017,p. 103).

This can happen because already within the member states there are different preferences, where some want specific sector liberalisation with the certain country, whereas others are preferring results that are closer to the status quo. There could be two forms of the agency slack – 'shirking' and 'slippage'. Shirking occurs when agent internationally diverges from its mandate, but slippage when agent by accident "takes him off" from what the principal would want to implement as a policy (Gstöhl and Bièvre, 2017,p.103). It is an interesting aspect which will be overseen in the part of the "Actions of different actors in CETA negotiations.

Consequently, the principal-agent framework is used in this case to supplement the liberal intergovernmentalism's three stages of decision making in international negotiations. In this case analysis will focus on relations and interactions between the Commission as an agent and member states as principal. This thesis will answer the following main questions:

- how much independence the Commission enjoys from member states;
- how and to what extent the member states have controlled Commission throughout the negotiation process;
- if the interests of principal and agent vary is the Commission trying to diverge from its mandate;
- how then member states control and influence that?

2. Methodology

This chapter explains the methodological approach of this thesis. The chapter first examines the case selection on why the exact six largest member states – Germany, France, United Kingdom, Italy, Spain, Poland – have been chosen for analysis. Then explains the structure how the influence of the member states will be ascertained in the empirical part.

2.1. Case selection

The research will focus on six largest member states of the EU – Germany, France, United Kingdom, Italy, Spain, Poland. Officially there is no distinction in the EU dividing member states in large, medium and small sized states. But it can be seen that largest are Germany, United Kingdom, France, Italy, Spain and Poland; medium-sized like - Netherlands, Romania and the Czech Republic; and small states with a population around five million or less (Keating et al. 2014). It clearly shows that the size of the population matters and it is one of the criteria that give larger states more influence in the EU than the smaller ones.

What is the reason the larger states has more influence on the EU? First of all, they have greater economic weight. Secondly, there is more voting power in the Council of the European Union, meaning that the qualified majority voting applies in almost all of the policy-making areas. A qualified majority requires 55% of member states vote in favour and support by member states representing at least 65% of the total EU population. Thirdly, states can more credibly exercise a veto in those cases where unanimity is required. Fourthly, large states can more easily make “side-deals” outside the formal decision-making process (Keating et al. 2014).

How does this then apply to the chosen six largest EU member states? The economic weight of each country could be determined by Eurostat data of 2017. The data shows that Germany leads the share in EU GDP with 21.3% making it the leading economy of the EU. The rest of the six contribute respectively: 14,9%, France; 11,2%, Italy; 7,6%, Spain; 15,2%, the UK; and 3%, Poland (Eurostat, 2018). Bigger resources can help to increase the influence, for example, in the case when more delegates can be present in the EU daily life. On one side, Poland can be seen as an exception for these criteria, as there are smaller countries with bigger GDP. But as one of the last members who joined the EU, it has shown how important actor it is, and it fulfils other criteria.

The size of population for the qualified majority voting is especially important when the decision is crucial, and member states can unite or divide for the final voting on the question. In terms of the share of population of the larger states, these member states have a great say because even if the small member states unite for the same vote and one or two are against, they can without no doubt block the question with their share of the vote. France accounts for 13.09 % of the population; Germany 16.10%; Italy 11.95%; Spain 9.09%; the UK 12.85%; Poland 7.41% (The Council of the European Union, 2018). As it can be seen then together, these countries share more than a half of the whole population, so their voting is certainly crucial. As regards to veto power, it is used quite seldom. No trade deal has been blocked by one or another country's veto either. But one of the examples can be brought from 2011 when David Cameron Prime minister of the UK used his veto to block the revised Lisbon treaty (The Guardian, 2011). Not going into details on the following consequences of this case, it can be seen, that first of all, it is possible to use veto power. Secondly, it was done by the UK, which is one of the biggest and influential member states and one of six looked upon in this thesis. The empirical part of this thesis will show that even the biggest countries unite to change the decisions of the Commission, and do so openly. Therefore there is no doubt that outside the formal decision-making process big states make "side-deals". Taking into account all of these criteria, the six largest member states of the EU has been chosen to investigate how, and to what extent, do the large member states of the EU influence the negotiations.

2.2. Ascertaining the influence of member states in international trade agreement negotiation

CETA was one of the most comprehensive agreements that the EU has ever negotiated. Therefore it has made a precedent for study case research from different angles. First of all, CETA has questioned EU's trade policy in overall, especially what are and how big is each EU actors' role. Secondly, what is the form of finalization of the agreement – "EU-only" or "mixed" (this will be covered in the empirical part)? Additionally as an agreement that has questioned the transparency of the negotiations questions; the exclusiveness of the Commission negotiating trade agreements; the involvement of other actors such as civil society and how they influence final decisions; new clauses such as Investor and state dispute settlement inclusion in agreement and its

consequences etc.

The time framework is based on the structure of how does the EU negotiate the EU trade agreement? It shows all of the involved actors' tasks in the negotiation process. Thus to better understand the whole structure of the process of negotiations it is analysed closer in the next chapter. But for the time framework, the most important stages are the following. The opening stage when the Council authorises the Commission to negotiate trade agreement on behalf of the EU. Next stage when the Commission then negotiates with the partner country on behalf of the EU, in close cooperation with the Council and the Parliament. In the final stages, "after the European Parliament gives its consent, the Council adopts the decision to conclude the agreement. If the agreement covers topics of mixed responsibility, the Council can conclude it only after ratification by all member states" (The Council of European Union, 2017). Accordingly, for this thesis using CETA as a case study for a negotiated international trade agreement, member state influence will be analysed through four stages – the beginning of the negotiations; throughout; finalisation; and the period after finalisation. The time framework has not been limited to date when negotiations of CETA ended (2013), but extended to its finalisation (2016) and member state actions after it. Because, first of all, as it will be possible to see in subchapter on EU's negotiation process, negotiation cycle ends when it is finalised, signed and ratified by all sides. Secondly, empirical analysis claims that even after negotiations have ended member states are frequently willing to make changes in the finalised agreement.

To ascertain the influence of the member states through these stages empirical analysis is based on document analysis, voting results, country official statements, government reports, interviews, media coverage. The overview of EU trade negotiations and CETA has mostly been based on the information prepared by Commission's templates, official recommendation and a mandate with directives from the Commission to the Council. This overview provides an overall understanding of how EU negotiates trade agreements, and why CETA is an important agreement for the EU in addition to providing a basis for the time framework. The Council of the European Union "statements to the Council minutes" provides member state commentaries on the ongoing CETA negotiation process and what they agree on and what they wish to be changed in the agreement. Therefore after the finalisation of the deal, it is possible to

assess whether or not the request of the country has been taken into account, with the possibility to conclude if it has influenced the process. Moreover to provide the analysis of how and to what extent large member states influence CETA negotiations the assessment has been done through the use of largest member state national media and international media coverage, official webpages of local Parliaments, Foreign ministries and Governments. These sources present the country officials' opinion; internal and international discussions with other countries; national parliament votes; proposals to the Commission; support and dissatisfaction on CETA in overall, specific clauses, issues. It helps to see the actions of member states through all four stages - what were their preferences in CETA and what they do to achieve the desired results. In the end, with the use of all this material, it is possible to ascertain and assess the influence of the member states in CETA negotiation process.

To better see the results assessment has been divided into eight categories:

- benefits,
- government support,
- parliament support/opposition,
- civil society support/opposition,
- turning points in a position change,
- areas of dissatisfaction,
- result,
- ratification.

The first category shows the main benefits from CETA for the member states. Second – whether the government support the deal at the beginning of the negotiations. The third – whether or not the Parliament supports the deal. Next category covers civil society position on the deal. “Turning points in a position change” discusses the possibility and occurrence of a domestic occasion which changed the position of the government. Therefore the sixth category covers specifically the areas of the agreement with what the government was not satisfied and desired to be changed. Then the category on result shows whether the desired changes have been made from the Commission side. Overall combination of the latter two categories shows the actual influence of the member states. Final category on ratification concludes whether the member state has ratified the agreement, or if not, is it going to ratify it explaining the reasons.

3. Negotiating the EU-Canada Comprehensive Economic and Trade agreement

Following the theoretical part to investigate the level of influence of member states in the CETA agreement negotiation process empirical analysis will contain five main parts. The overview of the process of how EU negotiates international trade agreements will give a look at negotiation steps and understanding at which stage member states are involved. Overview on CETA will cover the main facts and dates of how the agreement was negotiated and concluded, including the aim and the benefits of the agreement. Commission's work and another actors' role within the negotiations and controversial turning points for the CETA will be covered in part of actions of different actors in CETA negotiations. Finally, analysis of the role of Poland, Germany, United Kingdom, Italy, France and Spain in CETA negotiations with an overall assessment if and how member states have influenced CETA agreement negotiation process, will be provided.

3.1. The process of negotiating EU trade agreements

The following table (*Table 1*) shows the process of how step by step EU is negotiating trade agreements. First two stages where Commission after given the recommendations to open negotiations receives a mandate from the Council (*Table 1*) characterises the principal-agent framework and liberal intergovernmentalism. Trade policy has been given to the EU as an exclusive competence, and the Commission as an institution keep the credible commitments, to negotiate on behalf of the whole Union. The following, third and fourth stages, respectively, "3. The Commission" and "4. The Commission" (*Table 1*) shows that Commission reports and consulting with other actors such as the Council, the EP, governments, etc., ensures that throughout the whole process all sides have been informed. It can be seen that the Commission is under a certain level of control and theoretically it could not evade the member states' interests.

The most important part is fifth step "Signing" (*Table 1*). With the Treaty of Lisbon, the Parliament's role has grown, so the Commission is not only controlled and have to be in line with the member state interests but the Parliament as well has to be taken into account as at the end it has to give its consent. The situation of the Parliament

not being satisfied with the negotiated text and consequently failing to approve it, could ultimately lead to the trade negotiations failing.

Table 1. The process of EU negotiating trade agreements.

Actor	Actions
1. The Commission	<ul style="list-style-type: none"> assesses agreement's impact, public consultation on favourable outcomes, informal scoping exercise (what parties want to negotiate); makes a recommendation to the Council to open negotiations and can also propose draft negotiating directives; informs Parliament; publishes online and sends negotiating directives to the Council, Parliament, and EU national parliaments
2. The Council	<ul style="list-style-type: none"> adopts a decision authorising the Commission to open negotiations; decision can include non-binding negotiating directives to the Commission
3. The Commission	<ul style="list-style-type: none"> Chief Negotiators set up the team, both sides agree on negotiation rounds; After each negotiation round reports to the Council and the EP; consults the Council's Trade Policy Committee (TPC) and the EP's International Trade Committee (INTA).
4. The Commission	<ul style="list-style-type: none"> throughout the process, national government ministers or the Parliament can initiate discussions finalisation stage - informally final agreement texts have been sent to the Council and the Parliament and published online at the end of negotiations; text goes for the legal revision making corrections and making sure that the agreement uses clear terms consistently throughout the text; offers legal certainty; new text sent to the Commission.
5. The Commission; the Council, the Parliament	<ul style="list-style-type: none"> Commission drafts the proposals for Council decisions on the signature, provisional application and conclusion; proposals have been translated in all EU languages; sent to other Commission departments for review and comment; the Council receives proposals and takes the decision to sign after it Commission proceeds with signing the agreement; both sides formally sign the agreement; after both sides sign, the Council examines the proposal for the conclusion and sends the agreement to the Parliament for its approval.

Source: The European Commission, 2012.

The EU trade agreement finalisation is not part of *Table 1*. As it was a turning point in CETA negotiations, it is explained in more detail. The EU trade agreements are finalized as 'EU-Only' or 'mixed'. 'EU-only' means that covered policy areas fall under the sole responsibility of the EU institutions, and 'mixed' when responsibility is shared between EU institutions and its member states. If the Parliament gives its consent in the case of 'EU-only' agreements, the EU can notify its consent to the depository, and the

agreement will enter into force once the other party notifies its ratification. For ‘mixed’ agreements, the EU requires the ratification of all EU member states. In the meantime, the EU can only apply the agreement provisionally – in full, or in part. After the ratification, the EU member states and the partner country notify the depositaries of the agreement – the formal keepers of the final, signed texts. The Council adopts the decision to approve the agreement and publishes its decision to approve the agreement in the Official Journal of the EU. Once both parties ratify the agreement and tell the depositaries that they have done so, the agreement fully enters into force (Commission, 2012,p.6-7). For this thesis important is that CETA is an example that showed the choice for ‘EU-only’ or ‘mixed’ agreement. The type of the agreement is essential, first of all, because it shows the relevance of the Commission and if the trade policy is in the EU’s exclusive competence. Helps to explain to what extent does the EU is democratic and how much does the member states rely on their supranational bodies. Secondly, the length of the negotiation process and fear from the EU side that national parliaments would not ratify the agreement that Commission has negotiated for many years. The following two sections will, therefore, show both the general overview of CETA and how the process of its negotiations has developed to build a basis of understanding of how and to what extent member states try to influence CETA negotiation process.

3.2. Overview of CETA

The EU and Canada have made one of the closest partnership throughout the years based on common values and shared interests in different fields. In 1976 the European Community and Canada concluded a Framework Commercial and Economic Agreement, and therefore in 2016 was marked already 40th anniversary of formal cooperation (EEAS, 2017). For now, already CETA has been entered into force provisionally, but the beginning of the close trade relations has been dated in 2002 December when in Canada-EU summit in Ottawa joint statement was issued to form a wide-ranging bilateral trade and investment enhancement agreement. In 2004 both sides agreed to a framework for a Trade and Investment Enhancement Agreement (TIEA), and voluntary framework for regulatory cooperation was adopted. The first round of the TIEA took place in Brussels in 2005, but in 2006 Canada and the EU jointly decided to suspend the negotiations (SICE, 2017).

After a more extended break, joint decision and conducted a study for assessing the costs and benefits of closer economic relations, both sides launched the negotiations on CETA on 6 May 2009. Before that after examining the recommendations of the Commission the Council on April 2009 “authorized the Commission to negotiate, on behalf of the European Community and its Member States, an Economic Integration Agreement with Canada, repealing the negotiating authorization adopted on 21-22 December 2004 for the negotiation of a bilateral Trade and Investment Enhancement Agreement with Canada” (The Council of the European Union, 2009). The *Table 2* provides the main turning points and development of CETA negotiations.

Table 2. The Timeline of CETA negotiations.

Year	Stage of the agreement
2002	launch of TIEA
2006	TIEA negotiations suspended
2009	launch of CETA
2010	modification of negotiation mandate
2013	end of CETA negotiations
2014	agreement on the final text
2016	CETA proposed as ‘Mixed’ agreement for signing
2016	CETA signed from both sides
2017	CETA approved by the EP
2017	CETA enters into provisional application

Source: SICE, 2017.

A crucial turning point was in 2010 when the Commission submitted the recommendation for the modification of the negotiating mandate to include investment in the agreement, to use with investment protection paying more attention to investor-state dispute settlement (ISDS) (The Council of the European Union, 2011). This is an important fact because as later analysis shows it was one of the most discussed and opposed clause of the whole agreement.

The primary question would be why such a comprehensive agreement was needed. In total the value of trade in goods in 2016 between the EU and Canada was 64.3 billion euros, making the EU as Canada’s second biggest trading partner. *Figure 1* provides increasing trade flows from 2007-2017 between Canada and the EU. The top three categories of products exported to each other are machinery, transport equipment, chemical and pharmaceutical products. As regards to trade in services (transport, travel,

insurance, communication), then between both sides, it amounted to 30.1 billion euros in 2015. The EU imported less than exported to Canada, raising export up to 5.1 billion euros (Commission, 2017). A significant amount of two-way export led to CETA creation. Thus the aim with CETA was to increase the two-way trade in goods and services in different areas and at the same time helping to create more jobs and to bolster both side economies. *Table 3* includes the main benefits and areas that CETA covers.

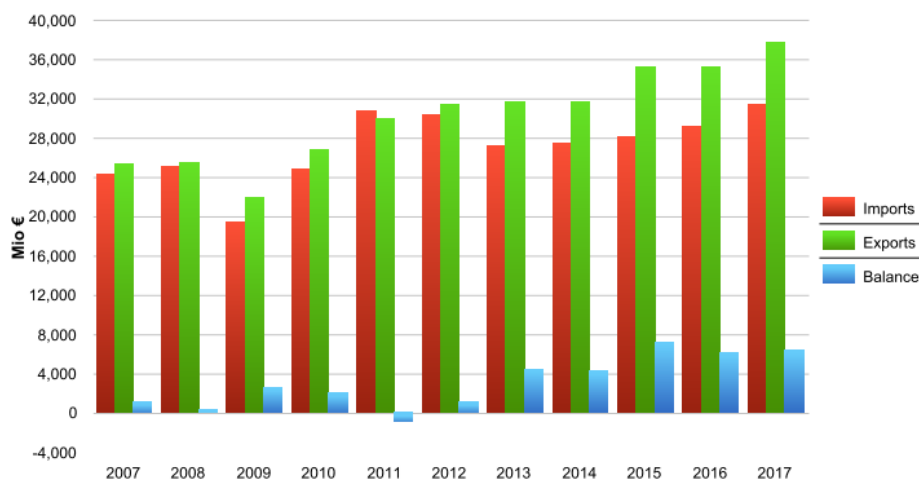


Figure 1. Total goods: EU Trade flows and balance, annual data 2007 – 2017.

Source: The European Commission- Directorate-General for Trade, 2018

Table 3. Areas covered in CETA.

CETA	
Main benefits	<ul style="list-style-type: none"> • Abolishment of customs duties by 98%; • reduced trade barriers; • tariff elimination; • simplified customs procedures; • more compatible technical requirements; • opportunities for smaller EU firms; • makes EU exporters more competitive.
Trade in goods	<ul style="list-style-type: none"> • Already large export to Canada - machinery, chemical, food and drink products; • CETA will abolish customs duties and make the trading easier and cheaper.
Trade in services	<ul style="list-style-type: none"> • open up Canadian market in industries of financial services, postal and courier, telecommunications and transport.; • included Framework for professional services, to recognize each other's qualifications in certain regulated professions – accountants, architects, engineers, lawyers.
Public procurement	<ul style="list-style-type: none"> • access to Canada's large public procurement market; • creates opportunities for EU suppliers to bid for provincial and municipal contracts.

Continuation Table 3.

CETA	
Investment	<ul style="list-style-type: none"> • will encourage investment in both directions; • Investment Court System included.
Intellectual property	<ul style="list-style-type: none"> • improves the protection of intellectual property owned by EU individuals or companies.
Sustainable Development chapter	<ul style="list-style-type: none"> • legally binding commitments on environmental protection and respect for labour rights
Protection of Sensitive EU products	<ul style="list-style-type: none"> • Sensitive EU products - beef, pork, sweet corn (limited tariff-free quotas) • Poultry and eggs are not opening its market. • 143 European products will have the status of Geographical Indications to be sold in Canada - gives them a similar level of protection from imitations as EU law does.

Source: The European Commission, 2017

The overall conclusion is that CETA is broad and comprehensive agreement. Both sides had to agree on details that for one or other are more important. For the EU it was hard to find common ground on food security, safety from GMOs, intellectual property and how to solve disputes. Therefore next section will provide the Commissions and another actor role in negotiations, including coordination and cooperation at the EU level.

3.3. Actions of different actors in CETA negotiations

Before assessing the role of large EU member states this part gives more insights on how Commission and other actors has influenced CETA negotiations.

As it was mentioned in the previous section on how the EU negotiates international trade agreements, the Commission was the main negotiator of the CETA, so it was involved throughout the whole negotiation process. At first, Canada and the EU finalised the Joint Study Assessing the Costs and Benefits of a Closer EU-Canada Economic Partnership in 2008 (Foreign Affairs and International Trade Canada and DG Trade, 2008). In 2009 Commission made a recommendation to the Council to open negotiations which after authorised the Commission to negotiate the trade agreement with Canada (Council of the EU, 2009).

Now the trade negotiation process has become more and more transparent, and negotiating directives have to be published at the time when the Commission receives the mandate. But in case of the CETA, it was different, because only after the Councils

decision in 2015 the directives were given to the Commission was declassified, and both 2009 and 2011 modified directives were made public (Council of the EU, 2015). This decision made it possible for the EU to be on “transparency track”. With all new trade agreements Commission publishes their mandates and summaries of the negotiation rounds and conclusions. But at the same time, it again questions the commitment to Commission and that the trade policy as an exclusive competence of the EU.

In 2013 after months of negotiations between two main chief negotiators and their teams EU Trade Commissioner De Gucht and Canadian Trade Minister Ed Fast, the Commission President José Manuel Barroso and Canadian Prime Minister Stephen Harper reached a political agreement on the key elements of the CETA. The political agreement meant that it could be proceeded with technical discussions and finalise the legal text of the agreement so that after the Council and Parliament could approve it (Commission, 2013). Until this time no “loud” opposition was made to an agreement, and the Commission did not see that it will have to change its nature of work.

The EU and Canada concluded negotiations in 2014 with a reformed investment dispute settlement system, notably with full transparency of proceedings and clear and unambiguous investment protection standards. Following the legal revision of the text at the beginning of 2016, both sides announced that new approach to investment protection and investment dispute settlement (ISDS) had been included (Commission, 2016). This decision has a broader impact because now all the new trade agreements have the ISDS type system inclusion.

But the process to come to a one main ISDS system was not that easy. In 2014 trade commissioner said that only small changes could be made to an investment protection clause. “The clause was disputed because it would allow companies to take cross-border legal action against governments. Malmström indicated that the Commission would make any changes in the most transparent way possible so that CETA can be successfully ratified by the member states” (Euractiv.de, 2014). It was further activated with the pressure from Germany, claiming that it would not sign the CETA unless the clause was scrapped, refusing to accept investment protection agreements in CETA and TTIP (Euractiv.de, 2014). One of the main risks if the clause was not amended was a possibility that the European Parliament would not vote in

favour of the agreement. The commissioner added that “By making the system work like an international court, these changes will ensure that citizens can trust it to deliver fair and objective judgments. We can confidently say that we’ve met the expectations of both the Member States and the European Parliament” (Vincenti, 2016).

From this, it can be concluded that Commission had negotiated CETA taking into account the interests and concerns of the member states and Parliament. Commission changed its initial position, because of the member state pressure and position that they would not sign the agreement if the ISDS clause would not be changed. It goes back to the principal-agent framework and CETA as an example which rejects the argument that Commission on the international negotiations has more independence, as well as showing that it is impossible to “go over” the given mandate.

Throughout the negotiations, Commission and governments discussed CETA with the civil society. For example, in September 2016 the EU Trade Commissioner Ms Cecilia Malmström met with the Civil Society Dialogue to discuss and share stakeholders concerns and exchange views with Commissioner on CETA. The discussions continued despite the fact that already on 29 February 2016 the Commission and Canada announced the end of the legal review of the English version of this text. The legally reviewed text was made public on the same day, and since then translated in all official EU languages. It was done before it was adopted by Commission till 5 July and sent to the Council for formal signature (Commission, 2016). Then on 5 July 2016, the Commission formally proposed to the Council of the EU the signature and conclusion of CETA (Commission, 2016).

At the same time before the proposal for the Council on signature and conclusion a discussion on what type of an agreement CETA is for the signing was raised. On 28 June 2016 “Commission President Jean-Claude Juncker reportedly told EU leaders that the Commission considers the CETA being an “EU-only” agreement and would propose next week (5 July) a simple approval procedure” (Vincenti, 2016). Theoretically, it would mean that it would be only adopted by the Parliament and representatives of the member states and not the national parliaments. But member states were against that especially concerns raised by Germany and France, stressing the importance of mixed agreement and national parliament say to maintain democratic control. Juncker was insisting that the Commission after detailed analysis had come to

the conclusion that CETA was not a mixed agreement, but if member states decide that the legal opinions are not valid, then he would not stay in their way. He added “I would like to see the clear legal proof that this is not an EU only competence. To say that it was my personal preference to make sure that national parliaments had no say in this is absurd” (Vincenti, 2016). The Commission argued that allowing national parliaments to have a say in the agreement would slow down the process and put the bloc’s credibility at stake. That would mean that ratifying could take a couple of years, as some countries said for them it would be difficult to ratify the agreement (Vincenti, 2016).

Commission on 5 July 2016 proposed the agreement for the signature and conclusion to the Council, Commission announced that national parliaments would be included in the conclusion process. From Commission’s side, it was made as the compromise because the pressure from the member states was too high. Trade commissioner admitted that still, Commission considered it to fall under the exclusive competence of the EU. But the change of position was made due to the political situation in the Council and understanding on a need for mixed agreement to allow speedy agreement’s signature. And even more the decision by the Court of the EU over the legal status of the EU-Singapore free trade agreement should it be mixed, or shared agreement should set as a precedent for the decision on CETA to be a mixed agreement (Barbière, 2016). This is another important argument where CETA gives an example that member states are involved in the process of the agreement negotiations, and Commission are not independent and has to concede to member states. Of course, the agreement differs from other international trade agreements with its comprehensiveness, but at the same it does not simply allow to change the whole structure of the EU, meaning its division of competences. In the end, the role of the Commission has been undervalued and made unimportant as it cannot conclude the agreement itself.

After national parliament involvement, it did not help to speed the signature faster. Commission had to “accommodate” Belgian parliament preferences so that the deal would proceed further. The region of Wallonia wanted to veto the ratification on the premise that the agreement will not cover the interests of citizens and could damage EU agriculture. Commission President Juncker said that he is surprised that there was no objections when the EU concluded an agreement with Vietnam. But when the agreement is with Canada, country with the same values, the Commission is blamed for

not respecting the human and fundamental economic rights. (Valero, 2016). Commission expected that political weight of the leaders would change the opposition, but it was not influential. The Commission made all the possible steps for position change. Additional declarations to address concerns on GMOs, use of hormones in food products, and public procurement were added, as well as a separate paragraph on social security and insurance, one of the main concerns raised from the outset of the talks (Valero, 2016). The region did not accept it straight away only after a couple of days ratified the agreement so that on 30 October 2016 the agreement could be signed. The region of Wallonia was satisfied that their concerns were heard and they achieved what they requested (Eriksson, 2016). Thus the involvement of the national parliaments made the process longer and with more issues to solve. It proved that Commission has to find consensus with the member states for the finalization of the agreement.

On 30 October 2016 President of the European Commission Jean-Claude Juncker, President of the European Council Donald Tusk, Prime Minister of Slovakia Robert Fico, and Canadian Prime Minister Justin Trudeau signed the CETA. After the signature, the Parliament had to give its consent so that CETA could enter into force provisionally. At the same time, there were still ongoing discussions on Investment Court System (ICS) as it was a new element in trade agreements. Commission supported its implementations only when all member states will conclude their national ratification procedures (Commission, 2016). And on 15 February 2017, the European Parliament voted in favour of the CETA, therefore, concluded the ratification process of this deal at the EU level (Commission, 2017). It can be said that only with the help and concession of the Commission to member states the CETA agreement has been ratified and approved by Parliament and now provisionally entered into a force.

The case of CETA shows that the exclusiveness of competence of the Commission to negotiate and conclude international trade agreements has started to evaporate. It is as a clear example that member states can influence the negotiation process in the direction which is more favorable for them. Moreover it is interesting that Commission cannot oppose and concedes even if it is its exclusive competence laid out in the foundation treaties.

3.4. Role of the member states in CETA negotiations

The following six subchapters present an analysis of the involvement of Poland, Germany, Italy, France, the UK, and Spain in CETA negotiations. The analysis covers eight categories – benefits of CETA; government, parliament, civil society support/opposition to CETA; turning points in a position change towards CETA; areas of dissatisfaction; results; ratification of CETA.

3.4.1. Poland

Throughout the years Poland and Canada through different cooperation formats have established a close partnership. In trade and investment when it comes to goods, Canada is Poland's 11th biggest trade partner outside the EU and 10th when it comes to services. The value of Poland's trade surplus in goods and services with Canada is around one billion euros. The value of Polish exports to Canada is 1.3 billion euros, and 318 million euros is the value of Polish imports from Canada (Commission, 2017). The numbers and actual beneficial trading show that Poland will gain from the CETA agreement when tariffs will be reduced and Polish products more easily exported to Canada. Thus it could be expected that Poland would be in favour of the agreement showing more support than opposition.

The real situation shows that Poland's support can be divided into two periods. The first one lasted throughout the negotiation process when it fully supported it knowing that Poland's interests are satisfied; the second one started in 2017 when investment and state dispute settlement clause set up was not satisfactory for Poland. Already at the beginning of the 2014 Polish Deputy Minister Katarzyna Kacperczyk said that "Poland backs efforts to conclude CETA as soon as possible; the agreement is of key significance given the trade volume between the EU and Canada. It will also help strengthen Poland's business and investment links with Canada" (Ministry of Foreign Affairs of Republic of Poland, 2014). She also stressed that with the help of CETA it will be easier for Polish entrepreneurs to do business, and mark their presence on the Canadian market on a much more broader scale than it was before, opportunity for both

business and science to develop research and innovation collaboration (Ministry of Foreign Affairs of Republic of Poland, 2014).

Later in 2014, Deputy Minister Katarzyna Kacperczyk visited Canada for the economic mission. At that time it was important to expand Polish export markets as Russian embargo has harmed its economy. She argues that “Sanctions and slow growth in Europe are accelerating Poland’s strategic push to diversify its export markets. Now we see a bigger appetite for non-European markets” (Ministry of Foreign Affairs of Republic of Poland, 2014). Therefore, Poland supports the CETA conclusion even more

At the same time, it has been seen that Poland this cooperation will use as well as for the energy sector. Deputy Minister Kacperczyk had stressed that:

For the next few years, we will have a lot of investment in the energy sector. These are areas we want Canadian companies to be more active. Natural gas from Canada is a potential future source of supply for Poland’s new LNG import terminal in Swinoujscie (...). The project is vital to enhance energy security and increase Europe’s bargaining power with Russia’s Gazprom (Ministry of Foreign Affairs of Republic of Poland, 2014).

Poland’s support continued as well as in 2016 when already the agreement came to a conclusion stage. Poland’s Foreign Minister stressed that “We decided that today there is no convincing argument for us not to conclude this deal” (Ministry of Foreign Affairs of Republic of Poland, 2016). He was convinced that previous government of Poland has made all the necessary efforts so that CETA meets the interests of Poland:

CETA was negotiated by European commissioners in 2009-2014 when the PO-PSL government was in power. If PSL believed that this agreement was badly negotiated or that bad conditions had been negotiated for Polish agriculture by 2014, then they had five years to question and change these conditions (Ministry of Foreign Affairs of Republic of Poland, 2016).

Moreover, Foreign minister of Poland saw CETA as cooperation with a member of the powerful military and political alliance which is notably important as Poland and Canada are part of NATO. Then he stressed that already agreement had mechanisms for dispute resolutions and was convinced that CETA would only be beneficial for all sides.

Nevertheless, at the same time he questioned whether Poland would ratify the agreement:

Today this agreement is closed. It is being placed on the negotiation table – either we accept it or not. We decided that today there are not convincing arguments that would lead us not to conclude or join this agreement. But with time, perhaps this situation will change. Even if its trade component enters into force, a ratification process of this process will last a few years, and many issues could be reversed (Ministry of Foreign Affairs of Republic of Poland, 2016).

On the one hand, showing the full support, but on the other leaving a sort of leverage to say everything still can change throughout the process.

At that point, Polish Sejm approved the CETA legislation. Its decision stated: “for this agreement to be concluded and for its full entry into force, it is necessary to carry out procedures confirming its approval, in accordance with requirements and the internal legal order of the Member States of the EU” (Ministry of Foreign Affairs of Republic of Poland, 2016). Moreover, Poland’s further actions were followed by Sejm’s legislation:

In accordance with the Polish constitutional order, commitment to the CETA agreement should occur by means of ratification prior consent granted by the statute because the agreement covers matters governed by laws or requiring a law. At the same time, the Sejm of the Republic of Poland holds the position that the subject of provisional application can only be provisions of the CETA agreement concerning matters that lie within the competence of the EU (Ministry of Foreign Affairs of Republic of Poland, 2016).

During the decision-making process itself, oppositionists Nowoczesna Party and Civic Platform (PO) backed the ratification by Poland, conditions for the ratification posed by ruling party Law and Justice (PiS). But still, oppositionists Kukiz'15 and Polish People's Party (PSL) underscored the threats accompanying the CETA accord. At that time the ratification act was returned to the Sejm (lower house) EU affairs committee which authored it after PiS lodged an amendment making the ratification dependent on a qualified majority vote. Dominik Tarczynski (PiS) said the party would not ratify CETA if any of its conditions are not met. PO declared its support for the agreement and its temporary implementation until all the EU members ratified it. The PSL member Marcin Swiecicki stressed that CETA carried no threats to polish farmers.

Kukiz'15 questioned PiS's demand for a Pole on the CETA arbitration court, remarking that as a member of the bench the Pole “would cease to be a Pole” as his decisions would have to be objective. As well as According to PSL, CETA will be detrimental to Polish farmers and food quality. Party leader Wladyslaw Kosiniak-Kamysz suggested that the condition for its introduction should be its “full ratification” by the Polish parliament (Polish Press Agency, 2016). This was the first step when Poland domestically questioned Poland’s role in ISDS system. Thus it turned with this question in the EU level and it became as one of the main reasons why Poland would not ratify CETA. This can be linked to the foreign minister’s comments that there was still something that Poland can oppose if necessary.

Another comment of minister supplements the Polish position. In 2016 claimed that Poland’s position on CETA is still taken under consideration as the final text of CETA has been received not long time ago, and the agreement is essential from the geopolitical and commercial point of view. He notes that there are areas that need to be carefully checked: “like issues regarding arbitration, legal problems concerning relations between corporations, state institutions and associations of employees. We would like to obtain additional clarifications, especially legal expert opinions” (Ministry of Foreign Affairs of Republic of Poland, 2016). Once more checking made the ground for Poland to put its demands for the Commission on the need for a Polish judge in ISDS system.

Another claim was made by Polish Prime minister Beata Szydło who confirmed that generally government of Poland sees CETA as beneficial for Poland but has concerns with the investment arbitration, but the country will not ratify any deal which is unfavourable for Poland. “Any decisions about the EU-Canada trade deal must be ratified by a majority of two-thirds of the votes in the Polish parliament. The government will not agree to introduce solutions which would be unfavourable for Poland” (Polish Radio, 2016). It confirms the influential power of the national parliaments and threat for the non-ratification of the whole agreement, making the Commission powerless.

On the Council, Poland expressed its views on 19 October 2016 meeting before the decision on the agreements conclusions. Poland pointed out that signature, provisional application and conclusion of CETA do not affect Poland’s decision

regarding the “scope of national competence, whose decision on concluding the agreement, in accordance with the principles and constitutional provisions, depends on completion of the internal ratification procedures” (The Council of the EU, 2016). Poland suggested its vision for the selections of the judges for Investment Court system judges:

The Republic of Poland will seek to establish detailed rules for the selection of judges so that the composition of the court reflects the diversity of legal systems in the European Union and takes into account geographical balance among the EU Member States. An ideal solution would be a selection of a judge with a deep knowledge of the Polish legal system (The Council of the EU, 2016).

Likewise, it declared consideration that there CETA covers all the regulation to protect human life, health, labour rules and standards, animal and food safety standards, protection and quality, environment protection etc., including in such sensitive areas as the effective control and the use of genetically modified organisms. “In relation to GMO, the Republic of Poland considers that CETA does not affect existing rules in the EU and guarantees the protection of the EU and Polish markets from the unwanted influx of genetically modified products” (Council of the EU, 2016). It convinced Poland that CETA will bring benefits for the EU and Poland while maintaining the EU standards. Through this Poland at the same time tried to cover satisfactory part of the agreement while bringing up its position and concrete preference what it wants in CETA.

Following the opposition towards the selection of the judges in September 2017 Poland threatened to block part of the CETA because of the ISDS concerns. Poland was not satisfied with the ten-judge system (five judges from Canada, five from third countries) which in Poland’s mind could exclude Polish judge selection. “Poland wants clarity on how the EU judges on the panel will be assigned to cases, to ensure that the procedure is fair and does not favour particular countries” (Shotter and Brunsden, 2017). Poland’s advisory group claimed that “Such a fundamental inequality in the system should not be accepted, for legal, political and financial reasons” (Shotter and Brunsden, 2017), by concluding that if concerns would not be addressed it will not be able to advise to ratify any of the EU and member states trade and investment agreements. Response to Poland’s preferences has been that Commission has received

them and has been working on them (Shotter and Brunsden, 2017). So far there have been no major changes and as CETA agreement states:

The CETA Joint Committee shall, upon the entry into force of this Agreement, appoint fifteen Members of the Tribunal. Five of the Members of the Tribunal shall be nationals of a Member State of the European Union, five shall be nationals of Canada¹¹ and five shall be nationals of third countries. The CETA Joint Committee may decide to increase or to decrease the number of the members of the Tribunal by multiples of three (The European Commission, Article 8.27- Constitution of the Tribunal).

In case of Poland, it has shown two sides of involvement in the CETA negotiation process. First of all, at the beginning, it saw the agreement as satisfactory beneficial and supported ongoing negotiations. It stated that it will help its economy as well as CETA as a way for cooperation with Canada in fields of energy and security. It can be said that with its support it helped to conclude the agreement. But at the same time, some of the statements from the Polish officials till the very end pointed out that if the agreement would not satisfy its interests it will not ratify it. One of the biggest demands from Poland to the Commission was a change of the judge selection for the ISDS. But in this case, it can be said that member state has not been influential because system was not changed. Poland has not ratified CETA yet.

3.4.2. Germany

As with all the other large EU countries, Germany and Canada already have a close trading relationship and as predicted CETA will give it a big boost. Germany's share of GDP that depends on exports is the 2nd highest in the world. The share of Germany's economy that depends on exports is 47%, and it is the 2nd highest in the world. Data shows that in goods Canada is Germany's 15th biggest trade partner outside the EU and 5th in services. From Germany around 10'500 companies export to Canada of which 73% are small and medium-sized enterprises (Commission, 2017). In Germany's case, a large percentage of companies are small and medium-sized therefore CETA is both – making benefits and big opposition. This is one of the reasons why Germany could pay more attention to an overall agreement – to safeguard interests of

companies.

Within one of her visits in Canada in 2016, Chancellor Angela Merkel claimed that the CETA offers major advantages for Europe, particularly for Germany as an exporting nation. Therefore stressing that Germany will encourage the Commission to come to a swift conclusion (The Federal Government, 2015). But in overall throughout the negotiations, Germany had shown both support and opposition towards agreement, and even for a while being neutral and not expressing their further actions.

For example, it was in 2014 when German Economy Minister Sigmar Gabriel announced that Germany will not sign CETA “unless an investment protection clause allowing companies to take cross-border legal action against governments is scrapped” (Euractiv Network, 2014). At the same time in the same year 2014 When in the news came out that Germany is planning to reject CETA if the agreement contains ISDS, Ministry of Economics claimed that they are waiting for the final text of the agreement to meticulously examine the agreement, make conclusions and have their final position (Siekierski, 2014), therefore being cautious on commenting their position.

Despite the criticism towards ISDS from Germany and claim that it will not allow to include ISDS clauses in any EU trade agreements, in 2014 German minister of economics Sigmar Gabriel said that country will not stand in the way of ratification. From the beginning, he and his represented party Social Democratic Party (SDP) was against the ISDS form, but it was the first move towards the support for the whole agreement, knowing that it would not be possible to drop the ISDS clause from the agreement (The Council of Canadians, 2014).

Once more question on the ISDS was opened in 2015 when even negotiations were completed Germany together with France joined together to change ISDS clause. French Secretary of State for Foreign Trade Matthias Fekl together with German Minister of Economy Sigmar Gabriel and Matthias Machnig Federal Secretary for Economic Affairs made a joint statement calling on the Commission and the Member States to consider “all options changes” of ISDS clause (The Council of Canadians, 2015). But in 2016 German government confirmed that it is strengthening the transatlantic partnership and expanding free trade by supporting CETA and decided that Germany will sign CETA. Along with it noted that the German Bundestag debated CETA, and came out in favor of signing the agreement and of its provisional

application, but with recommendations for modifications. For example, arrangements relating to CETA ought to be enshrined in legally binding declarations. The government claims it has acted on it with result that EU Commissioner for Trade, Cecilia Malmström, and Canada's Minister of International Trade, Chrystia Freeland, expressed their readiness to agree on further clarifications (The Federal Government, 2016).

One of the confirmations for this was when Jürgen Hardt, Member of the Bundestag and Coordinator of Transatlantic Cooperation, issued a statement after the conclusion of the legal review of CETA was announced. He claimed that during the legal review key amendments to ISDS were agreed upon and was possible to incorporate the demands of the EP and many EU member states. Hardt stressed that the further work has to be done so that the final signing and ratification of the CETA would take place as fast as possible (Federal Foreign Office, 2016).

In 2016 Foreign Minister Frank-Walter Steinmeier in his article once more stressed the importance of CETA. Not only economic benefits but as well as opportunity to develop free trade in accordance with their values. He expressed his gratitude to Sigmar Gabriel and the Social Democrats in Europe that "negotiations were re-opened on an agreement that had been done and dusted when he took office, and key improvements made" (Federal Foreign Office, 2016). Pointing out that Gabriel convinced the Commission, other member states and the Canadian Government of the need for a modern and transparent investment protection mechanism (Federal Foreign Office, 2016).

The question, where Germany secured its interests and position, was the termination of the provisional application of CETA which was brought by Germany to the Council together with Austria. Countries declared that "as Parties to CETA they can exercise their rights which derive from Article 30.7(3)(c) of CETA" (Council of the European Union, 2016, p.10). Their statement was taken into account. The Council acknowledged that ruling of a constitutional court on provisional application of CETA will be taken into account. If the ruling is against CETA then the provisional application must be and will be terminated (Council of the European Union, 2016, p.10).

Once more Germany was vocal when discussion on CETA as 'EU-only'/'mixed' agreement arose. Germany was one of the first countries that started to point out the problem of CETA as EU-only agreement. It was the German Federal

Ministry of Economics which in September 2014 published its legal opinion on CETA and concluded that it should follow the mixed agreement (Hübner, Deman, and Balik, 2017, p.851). As the previous section on Commission involvement showed Commission's stance was that CETA has to be EU-only agreement. Therefore Germany together with Austria and France made an "intervention" to make the Commission retreat from such a position (Hübner, Deman, and Balik, 2017,p 851). German Chancellor Angela Merkel stated that the Commission can be overruled by the Council and that for Germany the opinion, in any case, will be asked from the Bundestag. She stressed that she favored a mixed agreement whereby national parliaments have a say (Vincenti, 2016). This action clearly showed how member states overtake control of exclusive competence of the EU.

As regards to the domestic opposition then in Germany biggest opposition to the agreement came from the Green party. In 2017 its leader Elizabeth May stressed that "investor-state provisions in CETA and other trade deals disproportionately benefit corporations and agreement is only about "giving power to the powerful and more money to the "monied" not taking into account interests of citizens" (Radio Canada International, 2017).

Also, in Germany, there were large protests from the citizens, especially from the farmers. Before the agreement went to the conclusion phase (September 2016) German citizens protested against the adoption of CETA. Around 320'000 citizens called on the Social Democratic Party to decline their support for CETA approval in a party convention and calling for a trade policy more fair to small and medium-sized farmers (Intellectual Property Watch, 2016). One of the reasons why the opposition towards CETA rose has been well explained by German Minister of State for Europe Michael Roth when he visited Canada. He admitted that there has not been done enough to explain how trade and welfare actually go hand in hand; negotiations should not have been that secret; politicians had to be more vocal in saying that the answer to fears is not to close the door on the rest of the world and stop developing (Federal Foreign Office, 2016).

The opposition grew so far that the case was brought to the German Court because opponents of the agreement (such as rights groups Campact, Foodwatch and More Democracy) feared that CETA will undermine workers' rights and environmental

and consumer standards. Thus they collected about 190'000 signatures in support of their complaint and argued the deal would subvert the German constitution because it did not leave room for parliamentarians to interpret the agreement or vote against it (Deutsche Welle, 2016). But The Court backed German government for the signing and implementation of CETA, Court made a statement that "The Second Senate of the Constitutional Court has established that the German government has implemented the requirements set by the Court before endorsing the agreements on the signing and initial implementation of CETA" (Morgan, 2017).

Moreover, it was almost clear that Germany will be supported in full the agreement when major German party SPD decided to support the deal. It was important because if the support does not come from SPD then Germany would likely not ratify CETA. Two-thirds of the 235 party delegates voted in favor of CETA, but party noted that "red lines" have to be negotiated, such as sanctions for labor and environmental violations. The party decided to only ratify CETA if the details are clarified through a consultation process involving the parliament and social groups (Financial Post, 2016).

The involvement of Germany in CETA negotiations can be seen when the agreement was approved by the EU and prime minister of Canada Justin Trudeau and Angela Merkel held a press conference after it and Canadian prime minister thanked Merkel for help. This time pointing out the role of country's leadership Trudeau thanked Merkel "for her steadfast leadership and support during negotiations and said he hoped he could create a "stronger" relationship with Germany for years to come" (Perring, 2017). Of course, this can be called as a political move or "nice gesture", but it shows that not only the Commission but member state leaders' role in CETA negotiations are important, especially when the deal has to be finished.

Throughout the negotiations, Germany showed both support and opposition towards agreement, and even for a while being neutral. At the beginning of the negotiations and throughout German government supported the agreement as economic interests was at stake. Biggest parties in the Parliament from opposition changed its position to support. One of the reasons why Germany changed its position before CETA finalization was strong opposition from the civil society. But government saw ISDS clause and CETA being an 'EU-only' agreement as the major issues. Therefore together with France and support from other countries Germany made a proposal for changes. In

the result ISDS clause was clarified and CETA finalized as ‘mixed’ agreement. So far Germany has not ratified the full agreement.

3.4.3. Spain

For Spain, throughout the CETA negotiation process, there has been a division of sides. One side of Spanish people who are angered and claim that government has sold them out. On the other side supporters saying that CETA will create new opportunities for EU companies after tariffs will be reduced and could, therefore, boost trade and investment (Mansfield and Ortega, 2017). When holding joint official meetings Spain’s officials expressed their support for it. For example, in 2016 when Minister for Foreign Affairs and Cooperation Alfonso Dastis met Canadian Minister for Foreign Affairs Stéphane Dion discussing not only security issues but also the economy, CETA for both sides was seen as beneficial. Claiming that Spain would like to see come into force as soon as possible, albeit provisionally. Ministers observed the successful cooperation in the infrastructure and energy sectors, as well as Canadian companies operating in Spain, with CETA help to deepen this cooperation (Ministry of Foreign Affairs and Cooperation of Spain, 2016).

As numbers from the EU report shows then Spain and Canada already have a close trading relationship and CETA agreement will increase it. Canada is Spain's 20th biggest trade partner outside the EU. The value of Spain's trade surplus with Canada is 500 million EUR. The value of Spanish exports to Canada is 1.4 billion EUR. And the value of Spanish imports from Canada is 900 million EUR. There are around 5500 companies that export to Canada and with CETA it will help them to do it easier, especially for small and medium-sized enterprises that are 91% of all companies (European Commission, 2017).

The important aspect is that Canada sees Spain as an important trading partner. Mostly it is because of already made good trade relations. Spain is Canada’s seventh destination in the EU for merchandise exports; eighth largest for direct investment; fifth largest EU source of direct investment in Canada. In overall Canada values that Spain is a fifth largest economy in the EU and stresses the importance that Spain’s government encourages free trade and investment, and has been especially supportive of CETA. For further cooperation field, Canada sees Spanish information and technology sector which

is developing and where could remarkably benefit Canadian investors (The Canadian Trade Commissioner Service, 2017).

Despite the potential benefits of the agreement Spanish activists took the streets to protest against the agreement and calling Spanish government to block CETA. Protesters were not convinced that CETA would positively affect their country they fear that agreement will harm the environment, labour, and consumer standards. One of the protestors in Madrid said: “We are here because we want to stop CETA. CETA is a trade deal that is against democracy, against people, against the rights of the working class, and we don’t want the Spanish government to ratify it” (Robinson, 2017). Other demonstrators held placards reading “Democracy and public services are not sold but defended and against Europe of inequalities” (Robinson, 2017).

The domestic disagreement started when party Unidos Podemos (United We Can) wanted to suspend the debate on congressional approval of CETA and send the matter to Spain’s Constitutional Court for review (18 May 2017). But Spain’s Congress of Deputies rejected this motion, thereby making almost certain that Spain will ratify the treaty. By Partido Popular, Socialist party, Ciudadanos, Partido Nacionalista Vasco, Partit Demòcrata Europeu Català in a 258-86 vote motion was blocked. As well as a proposed motion by Unidos Podemos to amend the treaty was blocked by a vote of 262-81, with one abstention (Progressive Spain, 2017).

Not only party Unidos Podemos was not satisfied with the agreement. Before the vote on ratification on behalf of the Spanish Socialist Workers’ Party (PSOE) its president, Cristina Narbona announced that party’s position has changed and socialist deputies will not support CETA in voting at the plenary of the Congress. At the Foreign Affairs Committee of the Congress PSOE voted in favor of the CETA, where voting concluded with 28 votes in favor and 8 against (The Diplomat in Spain, 2017). Narbona pointed out that PSOE will not support it and that supporting CETA is not left-wing, and previous support being a big mistake, “International agreements have to be redefined to avoid concentrating more power on big corporations at the expense of rights” (The Diplomat in Spain, 2017). At the same time, PSOE president did not say whether PSOE will vote against or abstain. At that point, it could turn out that if PSOE aligns with Podemos and ECR parties then voting can be really tight relying on small parties and turned to be not in favor of ratification (The Diplomat in Spain, 2017).

After PSOE announcement Spain's Prime Minister Mariano Rajoy criticized their decision to withdraw support for CETA and expressed concern that his minority government might struggle to ratify the agreement in parliament. Rajoy said that he believes that PSOE decision is an error, and that treaty is enormously positive. He called the PSOE to use common sense, insisting the move would be damaging to both Spain and the Socialists: "We supported it and so has PSOE, all European governments support it (..) It cannot be Spain that vetoes it" (Agencia EFE, 2017). Rajoy's stands were clear that he wanted to ratify the agreement whatever it takes: "If PSOE and Podemos do not vote for it, I will try to find deals with others" (Agencia EFE, 2017). Not only the Prime Minister criticized PSOE decision, so had secretary-general of Citizens Miguel Gutiérrez and Spain's Foreign Minister Alfonso Dastis who accused PSOE of becoming populist and warned against economic protectionism (Agencia EFE, 2017).

When it came to the ratification in the country in Spanish lower chamber's plenary CETA was ratified with 179 votes in favor, 79 against and 81 abstentions. The threshold for surpassing was 176 votes for a simple majority, 179 coming from conservative Popular Party, the business-friendly Ciudadanos ("Citizens") and the center-right regional Basque Nationalist Party and Democratic Party of Catalonia that all voted in favor of ratification. Abstentions came from the Spanish Socialist Workers' Party (PSOE). They abstained "as "warning" in light of the "new European framework" in which it was necessary to review some international treaties with the aim of achieving a fairer global trade" (Agencia EFE, 2017). Party's leader Pedro Sanchez before that in his primaries was on a position in favor of trade, but with conditions such as any deals needed to defend public services and guarantee social and labor rights, consumer and environmental protection (Agencia EFE, 2017). PSOE's statement for this vote: "social democratic left wing is not against international trade but wants it in conditions and regulations that ensure the universalization of rights and sensitive sectoral protections in each case" (Mansfield and Ortega, 2017).

After this vote, Soraya Sáenz de Santamaría Spain's deputy prime minister criticized PSOE's abstention and said it was an anti-European position. To this agreed Ciudadanos party leader Albert Rivera who claimed that PSOE's position aligns with French politician Marine Le Pen's rejection of free trade. But there were not only

abstentions or votes in favor but as well as votes against. Pablo Bustinduy the foreign affairs spokesman for the left-wing coalition Unidos Podemos claimed that votes in favor and CETA is against the people's sovereignty – "agreement did not take the public interest into account and described the treaty's approval process as "defective" and "full of vices""(Agencia EFE, 2017).

As Spain sees CETA an economically beneficial agreement then government expressed its support throughout the negotiations. Spain had strong civil society and even Parliament opposition. Nevertheless it kept its support throughout the negotiations, did not express dissatisfaction with any parts of the agreement, and in the 2017 ratified CETA.

3.4.4. The United Kingdom

In numbers around 10'000 British companies export to Canada, of which 79% are small and medium-sized enterprises. In goods and services, Canada is UK's 5th biggest trade partner outside the EU. Value of British exports to Canada is 9 billion EUR whereas the value of British imports from Canada is 14 billion EUR (Commission, 2017), therefore with help of CETA boosting trade relations with Canada. The UK government points out then UK businesses will take immediate advantage of the tariff removal, benefiting across multiple sectors such as food, drink, manufacturing and construction. As the UK is leaving the EU then its government has committed to seeking continuity in trade and investment relationships with third countries as the UK exits the EU (Government of the United Kingdom, 2017).

Since the beginning, the UK government has supported CETA. Already at the beginning of the CETA negotiations in 2011 within one of the meetings with Canadian officials Foreign Secretary at that time William Hague confirmed UK's support and welcomed Canadian one: "The UK strongly supports the conclusion of the CETA and we hope that the negotiations will make good progress at the next round" (Government of the United Kingdom, 2011). Further in 2014 during Trade Minister's Lord Livingston visit to Canada support was reassured: "We have a strong trade and investment relationship with Canada which I am determined to build on. The

important CETA agreement has real potential to create growth and jobs in both countries and I look forward to its speedy conclusion” (Government of the United Kingdom, 2014). Another aspect where the UK had consensus with other member states was CETA being as a “mixed” agreement. It was the UK’s view that CETA consists of both EU and member state competence (Parliament of the United Kingdom, 2016).

So far in the UK process with CETA has been debated in the House of Commons European Committee B on February 2017 but not on the Floor of the House as the European Scrutiny Committee had recommended. The House of Commons International Trade Committee has also taken evidence on CETA (Dominic Webb, 2017,p.3). Already in 2016 the House of Commons European Scrutiny Committee recommended that there be an early debate on CETA on the Floor of the House more to discuss the complex legal and policy issues for the UK before and after Brexit; public involvement and opposition; need for more transparency in trade negotiations and their conclusion to ensure their democratic legitimacy; pointing out that debate on CETA would provide opportunity for the House of Commons as a whole to scrutinise and have a say on the Government’s position on CETA before it is signed and then implemented (Dominic Webb, 2017,p.16).

Furthermore in June 2016 House members proposed a motion stressing that there was a lack of parliamentary and public debate around CETA, especially no debate in the House before provisional implementation. As well as at that time they were not satisfied with the fact that it was not clear whether CETA is a mixed or sole competence agreement, and June can be the last month when actual debates can happen to change something. Important point was that the House members called on the Prime Minister to oppose provisional implementation at the EU Council in June, if necessary by opposing the whole deal unless a ratification vote is guaranteed in the House before any implementation takes place (Parliament of the United Kingdom, 2016).

At that point situation only internally worsen because Secretary of State for International Trade Liam Fox did not give chance to Parliament to debate on CETA before the Council expected to agree on its implementation. Thus he had to appear before the European Scrutiny Committee and give the evidence to justify the lack of a debate on CETA before its agreement; set out the Government’s intended approach to facilitating public and parliamentary scrutiny of trade deals; explain its implications for

the UK trade deals, before and after Brexit (Global Justice, 2016). The problem was that there were requests from to Parliament to have a debate on this issue, but Liam Fox did not take them into account. During the parliamentary scrutiny, he apologized and said that it was important so that it did not look like the UK was blocking the agreement and potentially jeopardizing potential trade deals with the EU and Canada after Brexit. Fox promised to have the scrutiny of the trade deal, but critics argue that nevertheless already some parts will be already into force and then Parliament cannot influence agreement that has been already into force (Global Justice, 2016).

Parliamentarians believed that government has not done enough to defend interests of the UK. Within one of the Parliamentary debates one of the questions was on National Health Service protection, parliamentarian Barry Gardiner asked minister to explain “why the German Government and other Governments saw fit to protect their health services in their entirety, while the British Government felt the need to protect private ambulance services by listing them in the annexe, but not the health service as a whole” (Parliament of the United Kingdom, 2017). Minister replied that this was not necessary to put it in the agreement specifically, ensuring that public interests have been safeguarded anyways. Moreover, he rejected the accusation that the UK sacrificed key interests for EU-wide common position before starting CETA negotiations. At the same time pointing the fact CETA will not apply after UK leaves the EU and it will be possible to negotiate a new agreement with Canada (Parliament of the United Kingdom, 2017).

At the same time the same when vote on a Proposal for a Council Decision on the signing, provisional application and conclusion of CETA took place in House of Commons, the House was divided in 409 votes “for” and 126 “against”, thus the question was accordingly agreed to (Parliament of the United Kingdom, 2017). Therefore interests of UK government were secured.

In the Parliament strongest opposition as it was in Germany’s case came from the Green party. Their main concern is the Investment Court System. Green party stresses that UK is “prominent cheerleader for CETA” and even more after UK’s referendum all parties are trying to seal the deal before the UK leaves. Party had welcomed the decision to give national parliaments a say with the ratification, saying that it had made the deal more democratic. But they condemned that the UK

government accepted the deal without submitting it to parliamentary scrutiny, not being like, for example, Belgium which fought for their interests (Taylor, 2016).

As the UK leaves the EU then one of the main concerns for UK government was about the court system of arbitration which is included in CETA. The last decision was that the investment court system (ICS) of arbitration will not be provisionally applied ahead of ratification in Member States. The UK welcomed this decision as removal of ICS from provisional application as the main ask of the UK Government (Parliament of the United Kingdom, 2016).

How CETA will work for the UK after its leaving of the EU has remained as most important question. Therefore minister of Trade and investment has claimed that for further conversations and when talking about opt-in decisions, they all will be made on a case-by-case basis, putting the national interest at the heart of the decision making process. As well as it was the same with provisional application with whole agreement where UK as Commission and other member states refused to apply agreement entirely after conclusion of negotiations (Parliament of the United Kingdom, 2016).

Not only UK government want to make the ratification of CETA, but as well as the Canadian side. Taking into account that the UK will leave the EU and the UK is an important partner, the Canadian government has been pushing British government to ratify CETA before the UK leaves the EU. One of the expert opinion says that “if the UK does not formally leave the European Union before CETA is ratified, then Article 30.9 (2) of CETA would apply and the UK would be tied into the trade deal for a period of twenty years after announcing any intention to leave the deal” (The Council of Canadians, 2017).

Nevertheless on one of the last European Committee debates on CETA Minister for Trade and investment Greg Hands once more stressed that agreement is consistent with the UK’s objectives in trade policy and with relevant wider policy goals, as well as that support for CETA means that UK demonstrates to the world that it remains the strongest global advocate for free markets and free trade. Pointing out that Government looks forward to the successful passage of the CETA agreement in the European Parliament and the provisional application of the agreement. When talking about ratification then idea was to look at the parliamentary timetable and listen to the plans of other member states when deciding on a timetable for ratification in UK’s Parliament

(Parliament of the United Kingdom, 2017).

For the UK Brexit is current question to solve, it is one of the reasons why the UK has not being influential during the negotiation process. Even the UK parliament pointed out that the government has not done enough to defend the interests of the UK. Government has been decided on CETA on behalf of the country more independently than other countries. Agreement did not go through the parliamentary scrutiny before its finalization. It has supported the actions of the other member state but there has not been any straight forward influence. The UK government since the beginning has seen CETA as a beneficial agreement therefore its intention is the ratification of the agreement before the UK leaves the EU.

3.4.5. Italy

In numbers already around 13000 Italian companies export to Canada, of which 79% are small and medium-sized enterprises. Canada is Italy's 9th biggest trade partner outside the EU, making Italy's trade surplus with Canada for 3.2 billion EUR. The value of Italian exports to Canada is 5.1 billion EUR, but imports making 1.9 billion EUR (European Commission, 2017). Moreover, Italy has identified Canada as a priority partner for sales, trading, and investment, seeing Canada as a partner in the field of information and technology. As a partner, Italy and Canada have established mechanisms that support commercial and people exchange, as well as joint research dealing with quality of life issues – health, environment, energy, new materials. Pointing out that Italy has been a strong supporter of enhanced economic partnership, especially being a proactive proponent of CETA conclusion which will boost the bilateral trade and investment (The Canadian Trade Commissioner Service, 2017).

In 2013 the Ministry of Foreign Affairs welcomed the political agreement reached by the Commission and the Canadian Government on CETA. Ministry pointed out that CETA will increase economic and commercial opportunities as well as growth for the EU countries, Italy and Canada as an important transatlantic partner. The importance of the agreement was underscored by Prime Minister Enrico Letta and the Deputy Minister for Economic Development, Carlo Calenda (Ministry of Foreign Affairs and International Cooperation of Italy, 2013).

Carlo Calenda, Deputy Minister for economic development, at the end of the CETA negotiation process (2014) once more stressed the importance of the agreement and its benefits – elimination of duties on all industrial products, better access to Canadian markets for Italian companies, Canada as a growing country with resources and strong links with Italy. Also, the most significant benefit for Italy is protection of products. “An outstandingly important result for our country is the protection granted to PDO (Protected Designation of Origin) products that finally, after 40 years, will make it possible for e.g. Prosciutto di Parma and San Daniele to be marketed in Canada with their names” (Ministry of Economic Development of Italy, 2014).

An interesting aspect was when despite the internal opposition Italian government was the one which supported the Commission’s decision to finalize CETA as “EU only” agreement. In a letter of support to the EU commissioner for trade Cecilia Malmström, Carlo Calenda informed that Italy is ready to consider to support the Commission on CETA as “EU only” agreement (Moody, 2016). The Undersecretary of State for Economic Development Ivan Scalfarotto explained government’s position on this stance stressing the that according to the Lisbon Treaty the EU has an exclusive competence over commercial policy and the practical outcome of EU only agreement:

Waiting for national ratifications, the provisional application that would take place would end up being very narrow as it would have to reflect different national sensitivities. Moreover, each national parliament alone could decide not to ratify and in such case, CETA would never enter into force (Italy's Diplomatic and Parliamentary Practice on International Law, 2016).

After strong support for CETA within its negotiation years, now Italy has not expressed any current position on how they will proceed with CETA further. One of the reasons for that can be the fact that in 2017 agriculture and industry ministers of Italy signed a decree ordering the new labelling policy. The decree stated that “all packets of pasta and rice sold in Italy will have to include labels of origin showing where the produce was grown” (Euractiv.com, 2017). Industry Minister Carlo Calenda have said that most of the Italian consumers wanted to know the origin of their food and it was important to promote Italian farmers: “We want to emphasize the importance of ‘Made in Italy’ and the quality of our production in order to compete with greater strength in

international markets,” (Euractiv.com, 2017). Straight away concerns were raised from the Canadian side. Canadian government sought clarification from Italy and assessed Italy’s trade obligations under the WTO and CETA. At the same time, there was no indication that Italy’s decision has affected trade (Euractiv.com, 2017). So far there has not been any development for this case, as well as mentioned Italy’s current stance on CETA.

Since the beginning of the negotiations Italy has expressed its support to the agreement. Strong opposition from civil society and parliament was not observed. Even though it was contented with the agreement and especially clause on the protection of essential products of Italy, it has changed its position after the finalization of the agreement. Currently government stresses the importance of the Italian producers therefore it has changed the labeling law. The change of the law has raised significant discussion in Canada and the EU as the rules of the CETA and WTO might be violated. But so far there has not been a solution. Italy has not ratified CETA yet.

3.4.6. France

As France and Canada already have a close trading relationship with Canada being France's 15th biggest trading partner outside the EU it is expected that CETA will only help to grow this relationship. There are around 10'000 French companies that export to Canada, and 79% of them are small and medium-sized enterprises. The value of France’s trade surplus with Canada is 621 million EUR. Whereas the value of French exports to Canada is 5 billion EUR and value of imports from Canada is 4.5 billion EUR (Commission, 2017). Not only economic ties have brought France to support CETA, but as well as historical connection with Canada. France with Canadian provinces has created an ongoing cultural exchange. It has been informed that “this relation was ‘instrumentalized’ also by the Quebec government in order to make a push in Canada for an agreement with the EU” (Hübner, Deman, and Balik, 2017, p.848).

At the same time, CETA in France received critics. In 2014 French Parliament both houses adopted resolutions opposing the investment protection rules in CETA. But it had to be noted that resolutions were not binding on the French government, but they definitely reflected significant opposition to the controversial elements of CETA (The Council of Canadians, 2014). Parliament members acted further when in February more

than 100 members of the Parliament decided to appeal to the country's Constitutional Council to block CETA. In their statement members said, "the accord implied a transfer of sovereignty by signatory countries "beyond what they agreed upon in favor of the EU"" (Gotev, 2017).

Previous research shows that Germany was clear on saying that it would veto ratification of CETA if it included an ISDS, while at that point in 2014 France remained reserved. Prime Minister Mathias Fekl pointed that France had never asked for ISDS in CETA. As France was hesitating to change ISDS clause in the agreement, Germany changed its position as well. Therefore German Economy Minister Sigmar Gabriel stressed that "if the rest of Europe wants this agreement, then Germany has no choice but to approve" (Fabry, 2015, p.12). In 2015 Fekl changed the position of France against the inclusion of an ISDS in the final agreement, stating: "We will never agree to private jurisdiction called into play by multinational corporations deciding governments' sovereign policies, especially not in such areas as health or the environment" (Fabry, 2015, p.12). As before outlined in this thesis Germany and France made possible to change the ISDS clause and now it is changed to Investment Court System.

The crucial turning point for CETA was French presidential elections. Supporters of CETA were satisfied with the outcome of the elections because Emmanuel Macron was the only presidential candidate who supported CETA. Lawrence Cannon, Canada's ambassador to France, reported to Canada: "His (Macron's) support for CETA is consistent with his pro-European and liberal political vision" (Export Development Canada, 2017). Although Macron supports trading and CETA, he has proposed changes in the EU's trade policy. In order to distract the criticism, deal with the environmental consequences that CETA will have for France, Macron has proposed number of regulations. Some of the proposals are – strand of fiscal cooperation, social and environmental clauses. The proposals entail a promise to "establish a code of European social rights with minimum standards for training, health insurance, unemployment insurance and wages. Additionally, the creation of an environmental task force to probe the deal for its shortcomings" (Haverstock, 2017). So it cannot be said that France will not and cannot change the nature of the agreement.

After agreement's conclusion in 2016 when French Prime Minister Manuel

Valls visited Canada, both Canada and France expressed support for CETA's fast implementation and mutual cooperation in the promotion of the opportunities the agreement will create. Prime Minister stressed that CETA was "the best agreement concluded between the EU and another commercial power" (Gouvernement.fr, 2016).

But due to the previous mentioned opposition and Macron's ambitions for changes in October 2017 France announced an action plan on CETA's environmental and health issues. French Government stated that "action plan demonstrates the Government's determination to make sure that the CETA is applied in an exemplary fashion, to step up its actions against climate change, environmental, social, and health-related aspects of European trade policy" (France Diplomatie, 2017). French Ecology Minister Nicolas Hulot said that "France is seeking "climate veto" powers over CETA to ensure to ensure it does not undermine efforts against global warming" (Barbière, 2017). Another problem area was raised from Foreign Minister Jean-Yves Le Drian on the security of key industries. He claimed that France "was seeking to be "exemplary" in its implementation of the deal, including monitoring its impact on key industries such as farming" (Barbière, 2017).

At the same time, there have been different views on "climate veto" even saying that it is an "empty government's promise" because negotiations have been concluded and parts of CETA has already entered into force. It can be only possible to realize if the Commission, other member states, and Canada adhere to it. But Jean-Baptiste Lemoyne, French Secretary of State and President has that France, Commission, and Canada were "already in the process of developing a "Joint EU-Canada interpretative Declaration" (Barbière, 2017).

In October 2017 France announced that it would only ratify CETA as long as it makes sure that the trade deal does not affect policies and regulations addressing climate change (Climate Action, 2017). But already in 2018 after Canadian Prime Minister visit in France, the French president Emmanuel Macron offered "praise for CETA", by backing it he as well as stressed that he looks forward to France ratifying the agreement (Waldie, 2018). And French Environment Minister Nicolas Hulot affirmed that French parliament is expected to ratify CETA around the second half of 2018 (Reuters.com, 2017).

At the beginning of the negotiations, French government fully supported the

agreement. Despite the opposition of the Parliament, government supported the agreement till the finalisation process. Along with Germany, it proposed for changes in finalization as 'EU-only' agreement and ISDS clause. Influence has been observed as the Commission made clarifications of the ISDS clause and finalised CETA as 'mixed' agreement. The turning point for France was its presidential elections. Currently after the finalization of the agreement France has proposed an action plan on environmental issues for CETA. Therefore France continues to influence already finalized agreement. France is expected to ratify the agreement in 2018.

3.5. Assessment

To summarize the results of the member state involvement during and after CETA negotiation process, Table 4 on the following page (p50) combines all the key features related to this process. The conclusion is that all of the large member states' governments saw economic benefits for their states in CETA at the beginning of the negotiation process. Since all the member states already have strong trading relations with Canada, CETA would boost and develop trading and economic relations for both sides. Small and medium-sized companies which are a large share of those who export to Canada would especially gain from the agreement. Only Poland has pointed out that CETA creates an opportunity to secure the energy sector. The analysis showed that although the national governments had shown support for CETA and throughout the negotiations, all of the state leaders have expressed it through visits to Canada and official statements, the member state parliaments were divided in their positions. Of course, it can be said that as always in parliamentary debates, members are divided into coalition and opposition, thus having controversial debates. This was the case with CETA where coalitions were "for" and oppositions "against" the agreement. Taking into account that there was an opposition all the big member state Parliaments approved the agreement when it had to be finalized.

The most controversial debate and therefore strong opposition were in the case of UK. The agreement was not debated in the parliament until its finalization approval in the Council. Government signed without the consent of the parliament the provisional application of the agreement. Members of the UK Parliament had also pointed out that the UK government only supports the overall EU's position and does not defend its

local interests and fails to change the clauses of the agreement like other countries do. Civil society opposition to CETA was strong. Significant protests have happened in all of the member states. The most concerns have been towards the quality of food products (GMOs), the fact that the higher standards of the EU will be lowered and environmental issues. Civil society did not affect the overall conclusion of the agreement. But all cases showed that when new proposal from the governments' was on the table they referred to the interests of the citizens.

"Turning points in a position change", as covered in Table 4, is crucial part as it shows in most cases a shift of position towards CETA. For Poland, it was 2016 when it stated that at that moment there are not enough convincing arguments for ratification. The government was not satisfied with the ISDS and after how the judges will be selected in the new ICS. As it was covered in the broader analysis of the previous section, ISDS was changed to the ICS due to proposals made by Germany and France. Poland ultimately supported the finalization of the agreement, but later it proposed changes in the selection of the ICS judges. Currently, it can be seen that these changes have not been made. Therefore Poland's attempts to influence the agreement's clauses was not successful. That could be one of the reasons a complete ratification of the agreement has still not taken place.

In the cases of Spain and the UK there has not been any turning points in governments' position. Although there was strong opposition from different sides, in the case of Spain the government's stance stayed the same. The Parliament has consequently ratified the agreement so that it could come into force. In the case of the UK, of course, it was important that government was blamed for the diplomatic support, with no actions. Whenever others made changes the UK claimed its support for successful developments and changes stating that it is in the interests of the UK. For the UK now important is Brexit, which also affects the CETA ratification. If it manages to ratify before it leaves the EU some of the clauses will be applicable for 20 years. A government truly welcomes the ratification, even though it has said that there is always the possibility to negotiate a new agreement. An interesting fact is that CETA has been seen as an agreement that could be possible for further EU-UK relations after Brexit. Therefore it can be said that Spain and the UK supported overall position of the EU, not taking any actions that would change or influence the agreement. But it has to be noted

that the UK's support towards CETA means that it trusts the agent which is, in this case, the Commission with its position on CETA.

Table 4. Member state involvement

CETA	Poland	Germany	Spain	UK	Italy	France
Benefits	Economic/ energy sector security	Economic	Economic	Economic	Economic	Economic
Government support	Yes	Yes	Yes	Yes	Yes	Yes
Parliament support/ opposition	Parliament divided/CET A legislation approved	Greens against/ major parties support	divided/ major parties support	Strong opposition	-	Strong Opposition
Civil society support/ opposition	Opposition	Opposition	both	-	-	opposition
Turning points in a position change	2016 – no convincing arguments for ratification	2016 – will not ratify because of ISDS	-	-	When Changes in labelling law	When Presiden-tial elections
Areas of dissatisfaction	ISDS; Judge selection for ICS	EU-only agreement ISDS	Parliament -CETA against people's rights	ISDS	-	Environ- mental issues/ ISDS
Result	ISDS changed to ICS; Judge selection stayed the same	Mixed agreement; Together with France proposed to Commis-sion changes- ICS	-	Changed under other state involvement / UK mostly supportive	-	ICS; Action plan to be part of CETA
Ratification	NA	NA	Yes	NA (Governme nt wish to ratify before Brexit)	NA (unknown due to the labelling scandal)	NA (expected in 2018)

Source: author's own elaboration

Italy showed clear support to CETA during the whole negotiation process. Even when other member states wanted to make it into 'mixed' agreement, Italy was one of the EU countries who supported Commission. But the turning point was 2017 when

after negotiations were concluded, Italy's government had to deal with strong opposition from the civil society, therefore it changed its labeling law, stressing the importance of Italian farmers and that products thus will be more competitive in international market. But at the same time, it undermined EU rules, CETA and as other actors claim (including Canada) rules of WTO. There has been no further information so far on what is the current Italy's stance on CETA as well as no development on 'labeling conflict'.

From all six countries, only Germany and France have shown that it is possible for the member states to influence one of the biggest trade agreements the EU have ever negotiated. Although, since the beginning both countries have supported the agreement, there are two parts of the agreement that the two proposed changes for. First of all, before the agreement was finalized France and Germany was not satisfied that the agreement would be an 'EU-only' agreement. Thus both countries united in opposition of the 'EU-only' clause and with the support of other member states achieved their aim. Trade Commissioner pointed out that due to the political pressure from member states CETA was finalized as a 'mixed' agreement. The other part where both countries have been involved was ISDS clause change. An interesting aspect was that already during the negotiations both sides expressed their dissatisfaction, but due to the political pressure that agreement had to be finalized both countries stressed that if all the other member states want this agreement to be finalized they will not stay in the way. Considering that still, it was in both country preferences to secure their interests they united to approach the Commission for ISDS clause changes. Negotiation re-opening was not possible, but Canadian and EU side re-talked the ISDS clause, and informed on clarifications the EU member states, after being ready to finalize the agreement. Canada has even thanked Germany for its leadership and involvement in the negotiations. Additionally France has shown that it is possible to be involved in the nature changing of the agreement after its conclusion and when parts of the agreement are already in provisional application. It has proposed an action plan on environmental security and has claimed that it already have a joint declaration with Canada on this matter. This action of course looks like more politically driven, but it affects both the agreement and the Commission's autonomy in its competence area. Nevertheless, there still has to be approval from the EU and its member states, and this proposal has not come into force

yet.

Using CETA case, it can be concluded that member state involvement and influence in the EU common commercial policy can be divided into four stages. In the beginning of the international trade agreement negotiations they approve the mandate to the Commission and gives full support to the agreement, therefore as claimed in the theoretical part of this thesis Commission enjoys independence from the member states in the negotiations. The support has been expressed as well as during the negotiation stages and Commission has not been influenced. When negotiation mandate has been made public the pressure to the government comes from domestic actors – parliament and civil society. Therefore, governments are responsible that their preferences have been secured. Then in this “third” stage before the negotiations has been finalized governments start to engage in the work of Commission, as their interests at this point are not in the line with each other. No clear “agency slack” in a form of “shirking” (diverging) from the mandate has been observed during the CETA. At the same time agreements finalization as ‘EU-only’ or ‘mixed’ was a clear point that interests of both sides diverged and “agency slack” was observed. It was observed as well that at this stage member states want to change whole agreements’ clause, claiming that it is not in the line of their interests. Question for further analysis could be – why the member states did not get involved during the negotiation stages taking into account that they have been informed throughout the negotiations? Further in the fourth stage – period after negotiations – the member states want to be involved even now in the area where the Commission has its full competence by bringing new proposals to a concluded agreement. All these actions throughout the CETA negotiation process and after definitely are questioning the role of the Commission in its exclusive competence area, but confirms the liberal intergovernmentalist claim that member states are the key actors in decision making.

Conclusion

After the analysis of the involvement of the six biggest EU member states in the case of CETA negotiations it can be concluded that member states influence the international trade agreement process. It can be seen through looking at four stages of the negotiation process – beginning, throughout, before and after the finalization. The Analysis of CETA agreement negotiations showed that at the beginning and throughout the negotiation process, member states expressed full support for the agreement, based on economic and even energy sector security interests, giving the Commission full autonomy on the negotiation process. It confirms the claim of liberal intergovernmentalism that member state domestic preferences are economically driven. Also, analysis showed that member states are united as they after all, support the Commission and other member state proposal. But they diverge in how active they are. For some it is easier if other member states do it on behalf of them, and they express their support as it is in line with their country's interests. Others use the fact that they are the largest member states and can unite to combine the ideas to change the agreement on behalf of their interests. CETA case confirmed the role of bargaining power. For example, even though Poland is a large member state their desired changes in the agreement were not made. But cases of Germany and France proved that resources and political pressure from the largest member states can influence the final outcome of the agreement.

Example of CETA demonstrated that due to the growing strong domestic opposition (including the Parliament and civil society) in several countries member state governments had expressed their dissatisfaction with the overall agreement and certain clauses. Large member states took control of the process, focusing on the question of the nature of the agreement by uniting their interests, proving and convincing the Commission that it has to be a 'mixed' agreement. For 'mixed' agreement responsibility is shared between EU institutions and its member states, therefore the EU requires the ratification of all EU member states. Changes were also made in the investment and state dispute settlement clause by uniting the positions of large member states and making the Commission to change the clause. The crucial aspect was that even Canadian prime minister praised Germany's positive involvement during the negotiations, while pointing out that Commission should nevertheless be in charge of

the whole negotiation process. In the period after the negotiations, France has shown that it is still possible to make changes in the agreement. France has proposed a new action plan for CETA on environmental issues. As it is a new action plan, it is not possible to see the results yet, but, it has definitely been moved to the bargaining stage now and will next approved by the EU, all the member states, and Canada.

The overall conclusion is that member states involvement in CETA negotiations meet the expectations of the framework of liberal intergovernmentalism. Framework claimed that member states have issue-specific interests. CETA negotiations proved it right. Member states did not reject the overall agreement, but changes due to their interests were made on specific clauses. The civil society and the Parliament influenced the preference making. Strong debates between member states were not observed during the bargaining stage. More it showed that overall bargaining power is important to make the changes in the agreement. Even though the member states were involved in CETA negotiation process, the Commission is the institution that implements decisions of the member states and act on behalf of them.

Case of CETA proved that the Commission enjoys almost full independence in the international agreement negotiation process. But when member state interests are at stake and diverge from Commission, then the Commission has been more controlled. Theoretical part set a question – if the interests diverge between the Commission and member states, how then member states control and influence the further work in negotiations. CETA case showed that large member states are ready to be involved the Commission's work by political pressure and new proposals for changes in the agreement.

CETA case proves that large member states truly can influence the area of competence where they theoretically do not have a say. Member states express their preferences, discuss and unite with other member states and make the Commission to change its previous decisions. The level of influence depends on the domestic situation, governments' stance, and national interests. All of the large countries support the possibility for the EU's and their country economic growth which could be possible after the conclusion of the international trade agreement. But when it comes to national interests, they do their best to secure them, even if it is not in their competence area in

the EU. Thus this thesis has proven that member states on certain stages influence the EU international trade agreement negotiation process.

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