THE EFFECT OF PUBLIC OPINION ON THE EU IN TTIP NEGOTIATIONS – A SINGLE CASE STUDY

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Introduction

In 2016, the Guardian published an article titled "People power is ending TTIP and other unpopular EU free-trade deals" (Cato, 2016). In fact, it has been observed that trade policy and free trade agreements have re-emerged in media and the public arena (Jungherr et al., 2018). The Transatlantic Trade and Investment Partnership (TTIP) was supposed to become a comprehensive free trade agreement (FTA) between the United States (US) and European Union (EU). The EU promised that the trade agreement would generate important welfare gains for the EU and attributed it significant geostrategic importance (de Ville et al., 2016).
However, the negotiations of the agreement initiated in 2013 have aroused an unprecedented amount of public interest and voiced opposition. Public opinion was mainly expressed through the mobilisation, demonstrations, and campaigning of various civil society organisations, assembled in the European Citizens' Initiative ("Stop-TTIP"), and extensive media coverage. The European Citizen's Initiative's petition generated over 3.2 million signatories by 2015, and thousands of citizens participated in various peaceful protests and demonstrations across Europe (Meunier & Czesana, 2019). Eventually, TTIP turned out to be one of the most controversial projects discussed across the EU (Eliasson & Huet, 2018; Oleart, 2021a).

The mobilisation of civil society and the increase of public discussion around such issues across Europe has been labelled as a process of *politicization* of the EU (Rauh, 2019). However, while NGOs and civil society more broadly can raise their voices, they have previously been found to fail to shift policies in their favour, despite being included in the policymaking process. Surprisingly though, the mobilisation of such groups has been attributed important power in the case of TTIP negotiations (Dür & de Bièvre, 2007; Eliasson & Huet, 2018). Thus, it remains puzzling why public opinion was attributed so much attention in the case of TTIP and whether "people power" really ended TTIP eventually, as suggested by Cato (2016). Scholars agree on the fact that public opinion played a role, but it remains unclear how and to what extent it influenced the EU. This is very relevant for a comprehensive understanding of the EU policymaking though, as it reveals important mechanisms relating to the EU's accountability and often criticised democratic deficit (Nicolaïdis, 2013).

So far, much research has been attributed to the analysis of the EU's responsiveness to lobbying by corporative interest groups, mostly through *inside lobbying*. Opposed to that, less attention has been paid to the role of civil society organisations or non-governmental organisations

(NGOs) and strategies associated with *outside lobbying* (De Bruycker, 2017; Dür 2008; Wlezien, 2017). Therefore, this thesis will aim to fill this gap by answering the following question:

How did public opinion shape the behaviour of the EU during TTIP negotiations?

The question will be answered qualitatively by applying process tracing as a method to discover relevant causal mechanisms in public opinion's impacts on the EU's proceedings in TTIP negotiations. This will be done through document analysis of official documents and press releases provided by the EU and civil society actors that were part of the "Stop-TTIP" campaign. Further, the analysis of public opinion will be supplemented by public survey data of the standard Eurobarometer surveys.

The analysis will reveal that by using a combination of inside and outside strategies, civil society organisations mobilised the broader public, and important pressure was exerted on the EU both indirectly and directly. This led to a shift in the EU's behaviour along three dimensions: Efforts to increase transparency, efforts to increase participatory channels for the public, and a change in the policy and position officially communicated to the US. Eventually, this research will conclude that there are ways through which the EU is indeed democratically accountable, contributing to an understanding of how it has proven that in the case of TTIP.

Literature Review

In the following, the existing literature on interest groups and lobbying techniques, as well as public opinion and the concept of politicization in the EU will be briefly summarized. Following, the idea of Transnational Advocacy Networks put forward by Keck and Sikkink (1989) will be introduced.

Interest groups and lobbying in the EU

A wide range of actors is involved in policymaking at the EU level, each representing different stakeholders with varying interests. Within this pool of actors, much influence is attributed to non-state actors. In particular, interest groups act as key intermediary actors between civil society, businesses, and policymakers, whom they wish to inform and influence through lobbying activities (Beyers, Eising & Maloney, 2008). In a Green Paper, the European Commission (2006) defines lobbying as "all activities carried out with the objective of

influencing the policy formulation and decision-making process of European institutions", including "organisations such as public affairs consultancies, law firms, NGOs, think-tanks, corporate lobby units […] or trade associations" (p. 5). Consequently, the analysis of interest groups' influence is essential for understanding political processes and policymaking in the EU (Dür, 2008).

Beyers, Eising, and Maloney (2018) identify three crucial factors that define actors as interest groups: *Organization*, referring to a certain degree of structure that enables the aggregation of interests, *political interest,* denoting the goal of influencing political policy, and *informality,* suggesting the reliance on non-institutionalised and irregular interactions with policymakers and the fact that interest groups do not run for elected political offices (Beyers et al., 2008).

Within the wide array of interest groups, categories of group types have been established. Binderkrantz (2008) differentiates between "groups with corporate resources, public interest groups, and other groups" (p. 177). According to this classification, groups with corporate resources, such as business groups or trade unions, benefit from privileged access to bureaucrats resulting from their financial resources (Binderkrantz, 2008). This definition is not limited to the private sector though, as associations of public sector institutions are found to possess similar resources. Often, these groups are motivated by economic interest and defend interests limited to a certain industry or a specific part of society. In contrast, public interest groups[1] claim to act in the common interest of citizens, which often results in them being conceived more positively and representing more neutral interests than corporative resources groups (Grant, 2001). In addition, these groups tend to distance themselves from authorities and policymaking ideologically to stay in line with public opinion (Rommetvedt, 2000). Civil society organisations often act as public interest groups and are thus representative of public opinion.

Much research on the EU's lobbying landscape has focused on interest groups with corporative resources and business interests. However, while these semi-institutionalised lobby groups do exert an important influence on different policy processes, the impact of public interest groups representing public opinion deserves scholarly attention as well (Dür & de Bièvre, 2007; Wlezien, 2017). This claim is also supported by the fact that the number of NGOs involved in

[1] Note: Other researchers refer to this type of interest groups as "cause groups" (Weiler & Brändli, 2015, p. 748). For the sake of simplicity and consistency, this research will solely make use of the term "public interest groups".

EU lobbying, particularly in trade policy, has been increasing substantially in the past decades, leading to the establishment of regular *Civil Society Dialogues* by the European Commission in 2004 (Dür & de Bièvre, 2007). Therefore, the study of public interest groups in the EU should be attributed further attention.

Within the study of interest group representation both in the EU and elsewhere, an important distinction is made between two broad strategies of lobbying, namely those of *inside,* or direct lobbying, and *outside*, or indirect, lobbying (Beyers, 2004; Klüver, 2013; Weiler & Brändli, 2015). Inside strategies refer to "activities that are directly aimed at policymakers, and these political activities are usually not visible to a broader audience" (Hanegraaff et al., 2016). In this case, interest groups often provide the important resource of expert knowledge directly to policymakers, through formal and/or informal ways of access (Beyers, 2004). For this purpose, personal meetings are organised in which standpoints are shared and information is provided (Dür & Mateo, 2013). In addition to personal meetings, interest groups attempt to influence policy by sending position papers and self-drafted studies to inform policymakers about their opinions and concerns (Dür & Mateo, 2013).

In contrast, outside strategies make use of publicly visible actions to mobilise public opinion and support. According to Dür and Mateo (2013), outside tactics may include activities such as demonstrations, internet and media campaigns, public debates, press releases, and other accessible ways of publicly communicating information and opinions. Thus, large audiences can be reached, resulting in the socialization of the topic at hand (Kollman, 1998). This distinction between inside and outside strategies has been fine-tuned by the addition of two subcategories to the two broader strategies: Inside strategies can be distinguished into either influencing administrative or parliamentary actors, while outside strategies can be pursued by either targeting media or mobilising citizens (Binderkrantz, 2008). In any case, it is important to note that in most instances, a combination of tactics is employed, and "in reality, different manifestations of political mobilization are not easy to separate and may be combined in an overall influence strategy" (Beyers, 2004, p. 215).

While both inside and outside strategies are employed in an attempt to influence policy outcomes, the type of interest groups affects the choice of strategy (Dür & Mateo, 2013; Maloney et al., 1994). Accordingly, traditional lobbying of interest groups with corporative resources is often associated with inside lobbying that is motivated by the economic interests

of the members of that particular group (Beyers et al., 2018). Most research on interest groups in the EU has therefore focused on lobbying processes by such groups that have already established partly institutionalised lobbying processes and rely on the provision of resources, such as expert knowledge, to exert their influence (Beyers et al., 2018; Weiler & Brändli, 2015). In contrast, the influence of public interest groups, which often have fewer financial resources but a greater membership base, is primarily exerted through outside lobbying (Beyers, 2004; Dür & Mateo, 2013; Hanegraaff et al., 2016). In general, Klüver (2013b) finds that the "European Commission is similarly attentive to lobbying coalitions with a high degree of economic power and lobbying coalitions which are supported by a high number of citizens" (p. 21), which confirms the importance of public interest groups in policymaking.

Public Opinion and the Politicisation of the EU

Trade policy is no longer exclusive to economic experts and practitioners but has become accessible to the broader public, meaning that there is higher awareness and more public discussion of related issues and preferences. This process has been conceptualised as being part of the *politicisation* of the EU. Taking the issue of European integration as an example, Schmitter (1969) explains politicization as being the outcome of a process constituted by four steps: First, the controversy of an issue is increased, which leads to a broadening of audiences interested in the topic. This in turn stipulates a rethinking of objectives and opinions. Eventually, there is a change in the expectations and behaviour of the actors involved (Schmitter, 1969, p. 166).

Building on this, De Wilde, Leupold, and Schmidtke (2016) define politicization as a process in which an issue becomes publicly salient, polarising, and expands to a broader range of actors. Resultingly, the issue enters the realm of mass politics, with many different actors mobilising and participating in the discourse, correlating with polarised opinions and a general increase in related negotiations and institutions. While accounting for the complex reciprocal causational process of politicisation lies beyond the scope of this research, it is worth noting that “elites simultaneously seek to influence and to respond to the mass public” (Steenbergen et al., 2007).

The first characteristic of politicisation, salience, is an essential concept in the analysis of political discussions. It is defined as the “relative importance actors attribute to a topic” (Beyers et al., 2018, p. 1726). Salience varies across actors, issues, and time (Warntjen, 2012). Beyers et al. (2018) highlight the importance of interest groups in determining salience by explaining that activities by various actors, including interest groups, can shape the salience of a policy for

other actors. Most research that aims to address the question of how interest groups and other political actors use salience as a strategy for influencing policies relies on data from various media sources (Hutter & Grande, 2014). Even though media coverage is a widely used indicator for salience, it fails to account for biases of media regarding their country, their owners, and ultimately their target audiences.

As mentioned above, scholarship has identified an increase in the politicisation of the EU in the past years, particularly in the realm of trade politics. While trade has long been a policy area of interest mostly to experts and practitioners, it has moved into the public arena and discourse in the early 2010s (Young, 2019). Accordingly, the European Commission (2017) has found that the "environment in which the EU conducts trade policy has changed considerably" (p. 1). Notably, the supra-governmental decision-making of the European Commission is assumed to be influenced by these politicisation processes (Zürn, 2014). However, although decision-makers seem to be responsive to politicisation and public salience, it remains empirically unclear how and under which conditions politicisation and public salience translate into the policymaking process in the EU (Rauh, 2019).

Despite the theoretical agreement on the existence and components of politicisation, there is no consensus on the main empirical reasons for the politicisation of trade policy in the EU: Some scholars argue that institutional changes through the Lisbon Treaty were decisive (Grande & Hutter, 2016; Hübner et al., 2017). Following this logic, it is argued that the EU has been transferred significant supra-governmental competencies in trade policy, naturally leading to more possible issues of contestation because of the number of issues and preferences at stake. Another set of broader literature contends that certain political actors advance politicisation by publicly problematising EU topics (Buonanno, 2017; Hooghe & Marks, 2009). Other scholars point toward the setup of new comprehensive free trade agreements, which involve important regulatory issues (Laursen & Roederer-Rynning, 2017; Young, 2016). These approaches do not necessarily have to be seen as competing though, as they are mostly complimentary (Duina, 2019). All the reasons outlined above provide partial explanations to why trade issues in the EU have politicised in the past years and taken together, they provide a more holistic theory than each individually.

Public opinion is an important, but continually contested concept in social sciences and is exceptionally important in democracies (Price, 1992). It can be thought of not only as the

aggregation of individual opinions but as being shaped both actively and passively through the operation of society and the formation and reciprocal interaction of groups within it (Blumer, 1948; Price, 1992). The expression of public opinion is multidimensional and can be channelled through the participation of citizens in elections, protests, surveys, signing petitions, and participating in public fora and civil society organisations (Scheufele, 1999). It is important to realise that even though the term *public* might imply that each part of society is reflected within this, it is actually a smaller body of citizens that participates in the formation of that opinion: It is the attentive public "which is informed and interested in foreign policy problems, and which constitutes the audience for foreign policy elites" (Almond, 1950, p. 138) which contributes to the formation of a public opinion in the political arena.

The existence of public opinion's relevance to policymaking has been acknowledged for a long time (Burstein, 1998). Indeed, the responsiveness of political authorities is found to increase in case of issues being important to the public and specific interests being clearly communicated (Burstein, 1998; Page & Shapiro, 1983). A more recent study by de Bruycker (2017) finds empirical evidence that European political elites are more likely to respond to public interest in instances of high salience of matters and various civil society organisations being involved in the discourse.

Transnational Advocacy Networks by Keck and Sikkink

Keck and Sikkink (1998) have developed a framework of *Transnational Advocacy Networks* (TANs) to explain how different civil society actors mobilise and act across borders. TANs are defined as transnational "forms of organizations characterized by voluntary, reciprocal, and horizontal patterns of communication and exchange […] organized to promote causes, principled ideas, and norms" (Keck & Sikkink, 1998, p. 3). According to Keck and Sikkink (1998), TANs are not powerful and legitimate in a traditional sense, which is why they rely on different strategies to influence politics and policymakers, linking domestic and transnational actors and organisations. Thereby, they influence "discourse, procedures, and policy" (p. 3).

Four tactics available for TANs to exert influence have been identified: Information politics, symbolic politics, leverage politics, and accountability politics. *Information politics* refers to the ability to spread information relevant to politics quickly and credibly to the public sphere where it will have the most impact (pp. 18-22). *Symbolic politics* relates to the framing of issues, actions or stories through symbols, making the issue approachable and understandable to a

broader audience (p. 22). *Leverage politics* is the ability to access powerful actors to affect a situation where weaker members of the network are unlikely to have influence (p. 23). Lastly, *accountability politics*, which refers to the effort to oblige more powerful actors to act on vaguer policies or principles they formally endorsed (p. 24). Information politics and symbolic politics can be characterised as outside strategies, while leverage politics and accountability politics fall within inside strategies of lobbying efforts.

Research Design

The following section will provide an overview of the main facts of the case that will be analysed subsequently. Next, the methodology and data used for the analysis will be laid out.

Case Introduction

To evaluate the process of TTIP negotiations, an understanding of TTIP, as well as its content and goals, is required. Thus, this section will provide a short overview of its most relevant aspects.

Following a broader neoliberal policy, TTIP was supposed to become an ambitious, comprehensive, transatlantic free trade agreement between the EU and the US. Targeting the remaining trade barriers, it aimed at liberalising as much trade and investment as possible to increase competitiveness by growing European and US GDP and exports, particularly relevant for small and medium-sized enterprises (SMEs) (World Trade Institute, 2016). Besides these economically quantifiable gains, the agreement ought to revive and strengthen the transatlantic partnership in order to restore global power and influence, not least in light of the economic and political and economic rise of China (Hamilton, 2014). In addition, by aligning their standards, the EU and US aimed to create a guiding principle for global rules (European Commission, 2013). Four main components were planned to constitute the agreement: Facilitating market access, harmonizing regulatory matters, cooperating on setting standards and rules, and institutional matters (European Commission, 2015a). An element of particular importance and debate was the planned investment protection and establishment of an investor-to-state dispute settlement (ISDS) mechanism. The commitments toward harmonizing, and eventually converging regulations, norms, and standards aroused public contestation in Europe because of concerns that the *European model* of considering social and environmental issues while pursuing economic growth was threatened (Bongardt & Torres, 2017; de Bièvre, 2018). This worry resulted from the perception that the EU regulation is more favourable towards

consumer and environment protection while the US is less rigorous in these regards and a harmonization of standards would focus on the lowest common denominator.

The first round of negotiations took place in June 2013. By 2015, considerable public attention was paid to TTIP and its possible consequences, leading to an unprecedented degree of politicisation and contestation of the matter within the EU (de Ville & Gheyle, 2019). An important aspect of the public mobilisation in opposition to TTIP is the aspect of transnational Europeanisation that can be found in it. Rather than assembling nationally, many civil actors have mobilised through European spheres and joined forces, contributing to the creation of an EU-wide political arena (Oleart, 2021b). Eliasson and Huet (2018) find that the public discourse on TTIP has been significantly shaped by civil society organisations that used certain ways of framing issues to mobilise opposition and influence the debate, which led to an overall decline in support for TTIP. Public mobilisation and opposition were mostly channelled through the Stop-TTIP movement, which eventually became a "European Citizen's Initiative", and included over 500 civil society organisations and actors. After 15 main rounds of negotiations, the process was halted without any conclusion or agreement with the election of Donald Trump as the President of the US in November 2016 (Oleart, 2021a). It remained unclear if and how TTIP negotiations would resume in the future until the European Council declared its negotiating directives as obsolete in 2019 (European Council, 2019).

Methodology

While many theoretical explanations for interest group influence are discussed in scholarship, "very few scholars have empirically dealt with interest group influence on European policymaking and empirical tests of these hypotheses for the case of the European Union are therefore scarce" (Klüver, 2013a, p. 10). Thus, as the general relationship between public opinion and policy outcomes has been found and agreed upon, what are the exact causal mechanisms linking those two in practice? This research will attempt to fill this gap in empirical evidence by generating a preliminary theory to answer the following question:

How did public opinion shape the behaviour of the EU during TTIP negotiations?

The aim is to reveal how and by which kind of actions and strategies civil society organisations, organised through the Stop-TTIP campaign, have had an impact on the EU's proceedings in TTIP negotiations. For this, process tracing will be used in an attempt to establish the causal

relationship and uncover underlying steps in the single case study of TTIP. Therefore, this research project employs a qualitative single-case design to understand and assess the influence of public opinion, which is the most suitable approach to provide new insights and to answer the research question adequately.

Process tracing is used in qualitative research for the "systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses" (Collier, 2011). The explanatory strength of causal process-tracing results from its ability to answer "pro-typical questions" such as "How come? and/or How was this (Y) possible?" (Blatter & Haverland, 2012), which is the kind of question to be answered in this research. Scholarship distinguishes between three types of process tracing*, theory-testing*, *theory-building*, and *explaining-outcome* (Beach & Pedersen, 2013). For this case, theory-building process tracing is chosen in order to formulate a comprehensive and generalizable theory (Beach & Pedersen, 2013). Aiming to formulate a general theory, theory-generating process tracing is suited to discover causal mechanisms in a specific case that might be generalizable to a broader population (Vennesson, 2008). Thus, empirical facts about the case are collected and investigated, leading to an inference of observations, which should eventually facilitate the inference of causal mechanisms. As the aim is to establish a theory of those mechanisms, no prior theory and hypotheses can be established and tested (Beach & Pedersen, 2013). This research will therefore draw on concepts established in the literature review but makes no assumptions about the ways of public opinion's influence before the analysis. The single case study allows for a rich and detailed analysis taking different actors and sources into consideration. It enables an opening of the black box of an observed relationship to reveal by which mechanisms a cause led to a particular outcome. The identification of such links increases the internal validity of a previously established inference about a relationship (Blatter & Haverland, 2012).

Case studies rely on the existence and applicability of empirical sources provided by others (Vennesson, 2008). Resultingly, a downside of process tracing can be that the empirical data available will not suffice to uncover all steps of the process (Dür, 2008). Further, defining a qualitative threshold for an "influential" causal mechanism is difficult (Dür, 2008). Lastly, while process tracing aims to reveal the mechanisms between causes and outcome, sometimes it is a cumulation of causes rather than a single cause that triggers an outcome. Hence, the results of process tracing cannot be seen as definitive and need further validation by other methods and approaches. Despite several shortcomings of this method, it has been a frequently

used method for previous research on evaluating interest groups' influence in policymaking (Cowles, 1995; Dür & de Bièvre, 2007; Michalowitz, 2007).

Data and Sources

The collection of data was restricted to those made public within the timeframe of July 2013 to October 2016 as these were the months of the first and last rounds of official negotiations between the US and the EU.

Research of public opinion usually draws on many different sources: Insights can be derived either from structured interviews, in-depth analyses, or content analyses of correspondence, publications, and editorials (Price, 1992). This study will draw on the latter, as content analysis of publicly available sources provides unbiased and unedited observations. In social science research, it is common to use triangulation for the choice of sources in order to enhance the results' validity by incorporating various perspectives (Mathison, 1988). Triangulation of data and sources refers to the use of different data that were generated through different methods and by different people (Halperin & Heath, 2020, p. 175). Thus, for this research triangulated statements, publications, and web appearances of different organisations and actors of the Stop-TTIP campaign and other organisations that were publicly expressing their opinions on TTIP were collected. While over 500 organisations took part in the campaign, many of them were domestic actors that operated in their specific member states. This analysis focuses on content provided by transnationally active organisations, which exchanged resources and opinions through the organisations of the Seattle to Brussels Network, the Transnational Institute, or the Stop-TTIP initiative. In addition, general attitudes towards free trade and a free trade agreement between the EU and the US across the EU will be measured using the results of the Standard Eurobarometer surveys from 2013 to 2016. As a complementary source, news articles published by "Euractive", a politically neutral online news outlet specialising in EU matters, were used to identify public events and activities.

In order to track progress and changes in the EU's position and ideas for TTIP, official documents and communication provided by the European Commission, which has the competence and responsibility of negotiating trade agreements, were used. These documents are mainly legislative proposals, reports, and press releases. All publicly available documents published between July 2013 and October 2016 via the European Union's websites that contain information and statements on the EU's stance on TTIP and developments in the negotiation

rounds were analysed. The analysis of the EU's proceedings and changes will be based only on these primary sources, ensuring the reliability and validity of the data.

Analysis

The analysis will provide a chronological overview of relevant actions and expressions of public opinion and resulting statements and actions by the European Union. Afterwards, these findings will be grouped thematically in order to establish a theory about the processes of public opinion's effect on the EU's proceedings during TTIP negotiations.

The first round of negotiations was held in July 2013 in the United States. Only shortly after, a press release by the Seattle to Brussels Network (S2B), a network of several organisations, institutes and social movements concerned with the EU's trade policy, warned against possible negative consequences of TTIP. In a report, it states that "what begins to emerge is the grand design of a transatlantic elite project aimed at reversing many of the big social gains that people succeeded in achieving over the past decades", urging that "it will become vital to ensure that public opposition to the proposed transatlantic trade agreement will mount in the months to come and that a clear message is sent to our leaders and governing institutions to reconsider their support for TTIP" (Bizzarri, 2013, p. 28). Most emphasis is given to the concern about the planned investment protection, also known as the Investor-State Dispute Settlement (ISDS). It was particularly contested because of public fear that a similar mechanism would gain momentum in other EU trade deals as well. This report marked the beginning of a diverse and multi-channelled expression of public opposition against TTIP and its contents.

After the third round of negotiations in December 2013, the EU Commission recognised the significant amount of public interest and contestation for the first time and promised to "consult the public on the investment provisions of a future EU-US trade deal" and emphasised its determination to "make the investment protection system more transparent and impartial" (European Commission, 2014a). Afterwards, the Transnational Institute, a research and advocacy institute also involved in S2B, organised different public information events and debates across Europe. In March 2014, the organisation Friends of the Earth, on behalf of 25 transnational networks and organisations, wrote an open letter to the EU Trade Commissioner. Therein, they expressed their concern and discontent with the absence of transparency in the negotiations and requested the EU "to open the negotiation process to the public, by releasing

the negotiating mandate, documents submitted by the EU, and negotiating texts" (Friends of the Earth Europe, 2014).

Only shortly after, the European Commission officially launched a public online consultation on investment protection in TTIP, which was openly accessible from the 27th of March to the 13th of July 2014 in response to the public debate occurring across Europe. This online consultation was established to clarify and explain the Commission's proposed approach. In addition, it was meant to provide an opportunity for stakeholders and the general public to express their interests and thoughts on investment protection to redefine the EU's approach and ensure that it acts in the public interest (European Commission, 2014b). During the operational time of the public online consultation, civil society organisations continued pressuring the EU and mobilising public support for their criticisms and claims. One incidence is a joint statement by over 120 civil society organisations published in May 2014, during the fifth round of negotiations between the EU and the US. In this statement, the organisations emphasize their rejection of the lack of transparency in the negotiating process, the planned lowering of standards, as well as the proposed "ISDS provision allowing foreign corporations to sue member state governments and the EU" (Transnational Institute, 2014, para. 3).

In July of the same year, during the sixth round of negotiations, many civil society organisations and individuals that had expressed opposition against TTIP organised together and submitted a motion for being registered as a European Citizen Initiative (ECI) known under the name "Stop-TTIP". As a subject matter, the initiative asks the Commission to withdraw from TTIP negotiations, not to conclude the Comprehensive Economic and Trade Agreement with Canada, and to follow an alternative trade strategy

> because they include several critical issues such as investor-state dispute settlement and rules on regulatory cooperation that pose a threat to democracy and the rule of law. nWe want to prevent employment, social, environmental, privacy and consumer standards from being lowered and public services (such as water) and cultural assets from being deregulated in non-transparent negotiations (Timmermans, 2017, para. 3).

However, the Commission refused the registration of the Stop-TTIP movement as an ECI, arguing that it falls outside the framework of its powers. This decision was overruled by the European Court of Justice in May 2017, leading to the official registration of Stop-TTIP as an

ECI only in July 2017. The primary rejection and drawback did not keep civil society from organizing and expressing opposition, though. Another open letter was published, and a "European Day of Action" was organised by the Stop-TTIP movement, including over 400 actions in 21European countries, resulting in more than 200.000 signatures for the petition against TTIP it has created (Trumbo Vila, 2014).

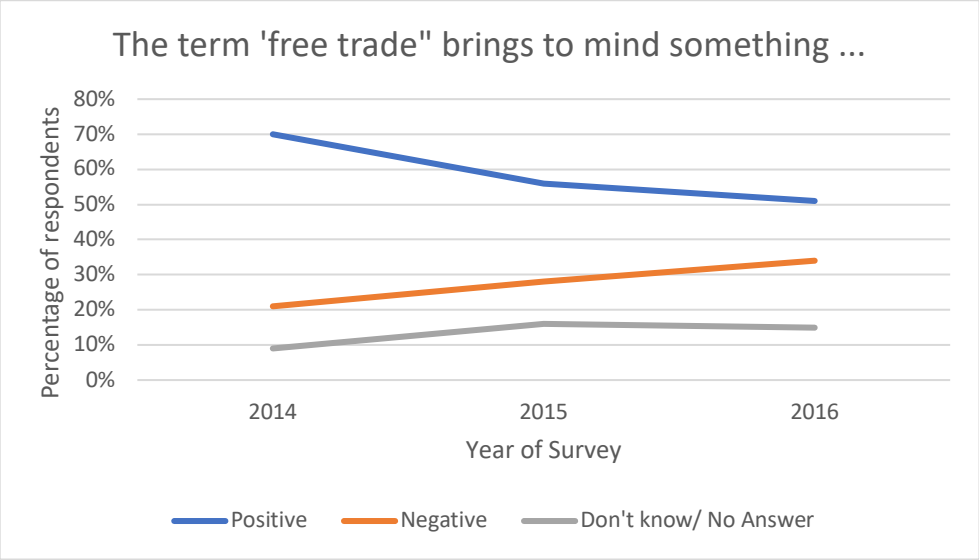
Responding to the increasing pressure, the European Trade Commissioner Malström addressed the issue in a speech, emphasising the need for a genuine dialogue and the importance of constructive input by civil society (European Commission, 2014c). Knowing that more than one million signatures have been collected for the Stop-TTIP petition by the end of that year, the Commission starts publishing legal texts as part of its new transparency initiative in January 2015 (European Commission, 2015b). A few days later, it also published an extensive report on the results of the public online consultation on ISDS, summarizing that there were over 150.000 replies in total. While it was uncontested that a majority of these responses expressed opposition against TTIP, the Commission concludes that further discussions and considerations will be necessary (European Commission, 2015c). Accordingly, as the exact approach toward ISDS was still up to debate, the Commission excluded the topic of ISDS from the following rounds of official negotiations with the US. As still no satisfactory solution was provided by the EU, another Global Day of Action was organised by civil society organisations (World Fair Trade Organization, 2015). In addition, the European Parliament encouraged the Commission to "continue ongoing efforts to increase transparency in the negotiations by making more negotiation proposals available to the general public, […] to reinforce its continuous and transparent engagement with a wide range of stakeholders" (European Parliament, 2015). Eventually, during the 10th round of negotiations in July 2015, the Commission announced to work out an alternative to ISDS. Regardless, reports by civil society organisations criticised that this reformed approach would not deal with the critical matters and should not be pursued at all (Pérez-Rocha, 2015; Seattle to Brussels Network, 2015).

While the ECI Stop-TTIP was officially ended by handing in more than 3 million signatures to the European Commission in October 2015, another big protest took place in Berlin several days after (Friends of the Earth Germany, 2015). One month later, the EU finalises its reformed proposal for the investment protection, presenting it as a "modern approach on investment protection and dispute resolution for TTIP and beyond", which will "allow the EU to take a global role on the path of reform, to create an international court based on public trust"

(European Commission, 2015e). The Commission presented this proposal to the US in the 12th round of negotiations, taking place in February 2016 and continued discussing it with the US in the three subsequent rounds (European Commission, 2016a). Responding to that, hundreds of organisations of the Stop-TTIP campaign signed an open letter as well as a legal statement on the investment protection issue, emphasising the continued public concern and pressuring the European Council to withdraw the mandate for TTIP (Transnational Institute, 2016). In November 2016, Donald Trump was elected to become President of the United States. Responding to the election, EU trade commissioner Malström predicted that "For quite some time, TTIP will probably be in the freezer" (Schmuker & Tausendfreund, 2016, para. 16). After President Trump entered office in January 2017, no further negotiations on TTIP between the US and the EU were held. In April 2019, the European Council made public that the negotiating directives for TTIP "must be considered obsolete and no longer relevant" (Council of the European Union, 2019, para. 3).

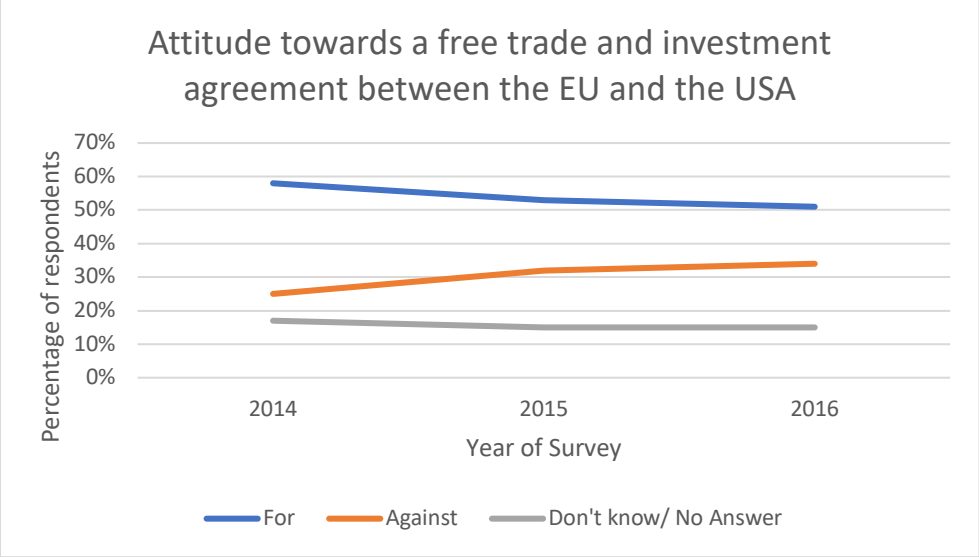
The opposition by the broader public which was expressed through the Stop-TTIP campaign, protests, and participation in the online consultation organised by the EU is also confirmed by public opinion polls. The following graphs show the results of Eurobarometer (2014; 2015; 2016) surveys, which are official polls by the European Union institutions that monitor public opinion across the EU member states on various topics. Figure 1 illustrates whether respondents associate something positive or negative with free trade in general. A drastic decrease in the share of respondents that answer positively can be observed: In 2014, 70% answered *positive*, while in 2016 only 51% did so. Accordingly, the proportion of respondents that answered negatively increased from 21% to 34%. A similar, albeit weaker, development can be observed concerning a free trade and investment agreement between the United States and EU in particular (Figure 2). It is also evident that from 2014 to 2015, there is a slight decrease in respondents that did not know or did not give an answer to the question regarding the support for a trade and investment agreement between the US and EU. This can be related to the theory of politicisation of trade issues in the EU, through which the issue of TTIP has become more salient and thus known to more actors and persons.

Figure 1. Eurobarometer results relating to the term "free trade"



Note: Data derived from the Standard Eurobarometer 82, 83, 85 (European Commission, 2014d, 2015d, 2016b)

Figure 2. Eurobarometer results relating to a FTA between the US and EU



Note: Data derived from the Standard Eurobarometer 82, 84, 85 (European Commission, 2014d, 2015f, 2016b)

Taken together, three main mechanisms can be observed in the unravelling of public opinion and the EU's reaction to it during the negotiation process. Figure 3 provides a graphical representation of the mechanism and visualises the main points of the theory.

The first important point of the analysis is related to the EU's direct reactions towards the noteworthy public interest in and discussion of TTIP and related issues with regards to transparency and access to documents. Being criticised and challenged publicly, the EU quickly recalled the need for action in its transparency and accountability to maintain support for its political system and policy. Therefore, the Commission started publishing its legal proposals, reports of the negotiations with detailed descriptions of the issues that were discussed and

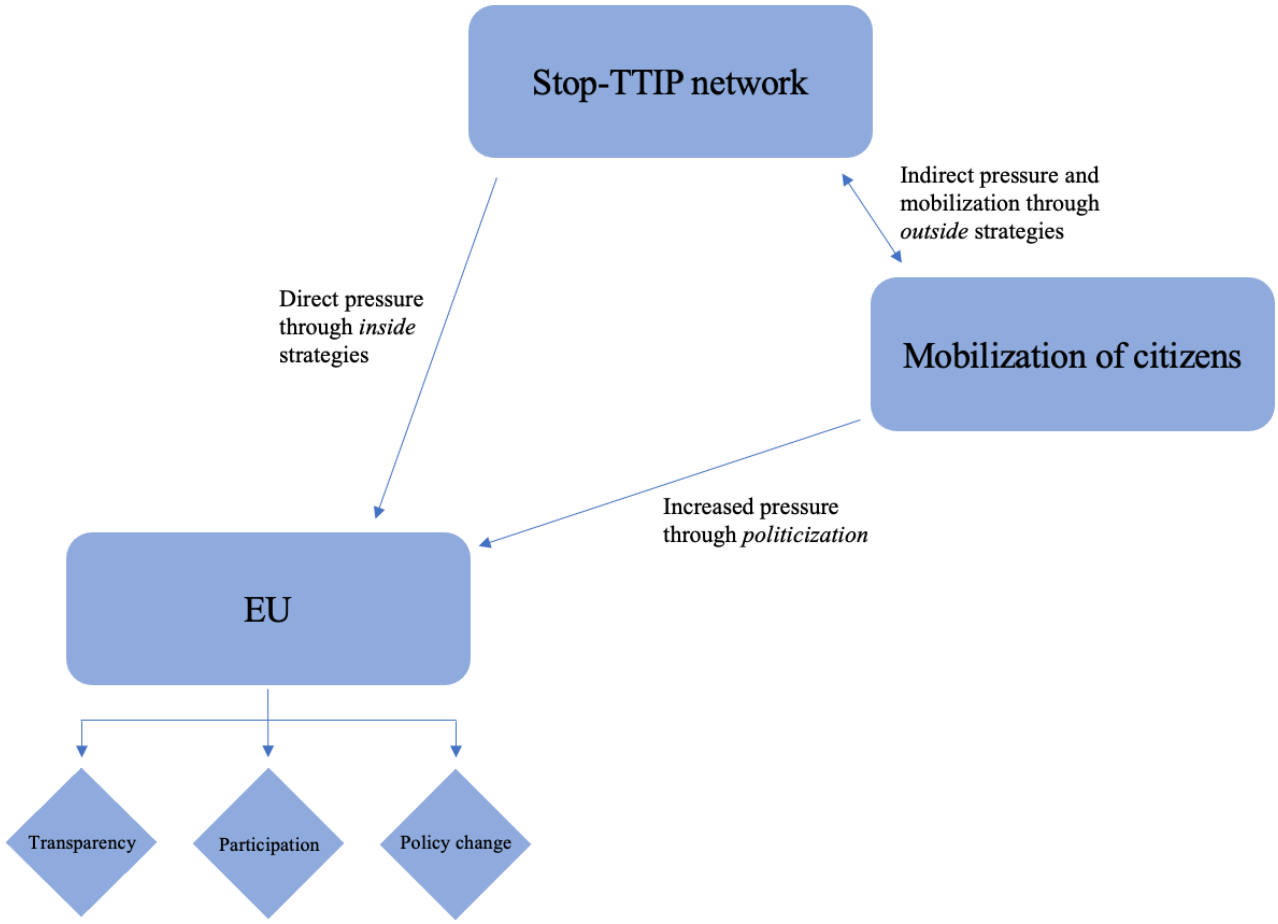
changes in approaches. In addition, several information sheets and reports were made public. These measures set a new playing field for the EU's behaviour in trade negotiations, with the enhanced transparency proving the EU's commitment to transparency and fighting the often-criticised democratic deficit.

Further, the EU recognised the importance of not only being transparent, but also approachable and responsive and open to public opinion and input. Therefore, even before increasing access to documents, the EU announced to systematically consult the public, its opinions, and concerns. In order to ensure that it fulfils its task of acting in the public interest, the EU provided anyone interested in investment protection and TTIP the opportunity to make their voice heard and raise concerns for the EU to consider in its decision-making and policy formulation. Both reactions of the EU in terms of transparency and accountability are linked to a more general debate about the EU's democratic legitimacy (Lodge, 1994). Due to a gradual shift of competencies to the EU, a debate about a deficiency of democracy and inaccessible decision-making at the EU level emerged. Bearing this in mind, the European institutions aim to be as transparent and accessible as possible in all areas in order to provide democratic legitimation and bridge the democratic gap between Brussels and the citizens it seeks to represent (Héritier, 2003).

Lastly, besides efforts in increasing transparency and channels of participation, the impact on EU's actual policy is of interest. While TTIP was negotiated over many different topics and areas, the main issue of contestation by public opinion was clearly the ISDS. Civil society organisations and the public used this matter as a main point of criticism and created used the picture of the "corporate grab", relating to the perception that only interests of corporates are represented and they are taking over power in the political arena, to arouse fear and public interest. This, combined with the clear results of the online consultation, forced the EU to rethink and reformulate its approach to and proposal for the ISDS. And indeed, changes in the EU's stance that was communicated to the US could be observed: First, the EU announced it would exclude ISDS from negotiations in order to take some time to consult the public. After extensive consideration, the Commission revealed its new approach and proposed an alternative mechanism. Thus, an important change in the EU's policy with regards to ISDS was taking place.

Referring back to inside and outside strategies mentioned earlier and bearing in mind strategies defined by Keck and Sikkink (1998), the following preliminary model can be established to explain the mechanisms of influence of public opinion on the EU's proceedings during TTIP negotiations: *Civil society organisations created the Transnational Advocacy Network called Stop-TTIP and used inside strategies, most importantly open letters addressed to specific officeholders and policymakers in the European Union, to influence and pressure the EU directly. In addition, the civil society organisations increased public visibility and opposition by using outside strategies like information and symbolic politics to politicise the issue of TTIP. The resulting arousal of public interest reinforced the mechanisms of mobilisation, which in turn exerted further pressure on the EU. The EU reacted by enhancing transparency, opening participatory channels for the public, and changing its ISDS policy.*

Figure 3. Model of influence



Discussion

Relevance and strength of the research

With international trade policy increasingly focusing on ton-tariff trade restrictions as most tariff barriers are already considerably low in WTO countries, free trade agreements such as TTIP are likely to become more important in the future (Buonanno, 2017). Indeed, since the WTO's Doha round in 2005 failed to provide a multilateral solution to further free trade, there has been an increase in regional and bilateral trade agreements (Bongardt & Torres, 2017). More importantly, comprehensive and deep regulatory trade agreements, like the one TTIP was supposed to become, are gaining relevance and are making up the "archetype of a new reality" (Hübner et al., 2017, p. 843), in which trade policy is increasingly publicly salient and discussed. An important example is the case of the Comprehensive Economic and Trade Agreement between the EU and Canada (CETA), which has been successfully concluded in 2014 and has been provisionally applied, though the ratification process is still ongoing at the EU member state level. While TTIP negotiations were exceptional with regards to the amount of attention paid to the topic across the EU, the identified mechanisms could hold for other topics as well. Additionally, even though TTIP negotiations were eventually put on hold because of the election of Donald Trump and thus a disruption in American trade policy, the transatlantic trade relationship is still of utmost importance. While currently regulatory integration is furthered through the Trade and Technology Council (TTC), the present German minister of finance has recently mentioned getting TTIP back on the agenda (Greive et al., 2022). Thus, the intensification and harmonization of transatlantic trade and regulation remain a topic of high significance and contestation. This research provides preliminary insights into underlying mechanisms of civil society groups' influence in the EU and the effects of their participation in EU policymaking. This contributes to an understanding of the ability of organised civil society to have a say in decision- and policymaking and thus the accessibility and democratic accountability of the EU more generally.

Limitations of the research

Some shortcomings limit the reliability and validity of the results. First of all, this study has "black-boxed" EU civil society and public opinion within the EU even though previous research has found that contestation regarding trade agreements varied across member states. For example, public opposition has been found to be particularly strong in Germany, Austria, the Netherlands, Belgium, and France, and a lot less vocal in other EU member states (de

Bièvre, 2018). Thus, further research should analyse whether the mechanisms of public opinion's influence differ across member states. Second, the generalisability of single-case studies is naturally limited. Even though CETA has proven that TTIP was not an exceptional case of a comprehensive trade agreement involving important regulatory issues and covering an important share of European trade, the high salience of TTIP and the EU's negotiations with the United States has been unparalleled so far (Young, 2019). Another inherent limitation of research on interest group influence is that some information and processes are not publicly available, making some strategies undertaken invisible and untraceable for the researcher. The lack of complete data was intensified by the fact that the official Stop-TTIP website is not available anymore. Lastly, what makes process tracing problematic is that there can be a time lag between cause and effect and an action by the EU cannot be traced back to a single event but is the result of a cumulation of mobilisation and politicisation as well as other developments.

Conclusion

This research aimed to find out how public opinion triggered changes in the behaviour of the European Union concerning TTIP. While the headline of the Guardian in 2016 exaggerated the influence of public opinion, there have indeed been relevant changes in the EU's processes in response to public pressure. This study has revealed these changes by looking at both sides: On the one hand, it has drawn on a triangulated pool of sources including official opinion surveys, publications, statements of civil society organisations, and news articles to provide a detailed and qualitative overview of the expressed public opinion. On the other hand, it has tracked the EU's responses and proceedings via primary documents and press releases provided by the EU institutions, with emphasis given to those of the European Commission.

The analysis has revealed that three major changes could be observed in the Commission's proceedings in response to the public opposition. First, the EU changed its strategy concerning transparency and access to documents. While in the beginning official documents and outcomes of negotiation rounds were mostly kept secret, the EU began publishing many documents and providing public access to negotiation reports in response to public pressure. This is in line with results on the EU's responsiveness in other fields, as increasing transparency seems to be an often-used strategy of European institutions in reaction to criticism (Héritier, 2003). Second and related to that, the Commission also provided a forum for the explicit expression of

concerns and worries through the online consultation on investor protection in TTIP, which has generated almost 150.000 replies between 27 March and 13 July 2014. Third, an important shift in the EU's policy and stance in the negotiation, which was communicated publicly both within the EU and externally to the US, was observed: First, ISDS was supposed to become an integral part of the agreement and a relevant proposal was brought into the negotiation rounds right in the beginning. After the mobilisation and expression of opposition, the EU decided to exclude the issue of ISDS from negotiations for some rounds and took time to rethink and discuss its approach and legal drafts. Eventually, the Commission communicated that it would work out an alternative approach to ISDS, which was presented to the US in the 12th round of negotiations. Therefore, by using both inside and outside strategies, a transnational advocacy network was built to express opposition against sensitive topics, mobilising public interest and pressuring the European Commissions by the politicisation of the issues.

These findings are relevant to the discussion of the responsiveness of the EU, particularly with regards to public interest groups. The mechanisms described can hold for issue areas beyond those of trade policy, even though trade policy and free trade agreements remain remarkably important and politicised.

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