

# **Negotiation in the European Union**

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# Structure of the Seminar

- Today, 26 November:
  - 19h20-20h20:
    - Introduction to EU negotiation
    - Introduction to the Simulation Exercise
    - Distribution of roles
  - 20h30-21h50:
    - Introduction to EU decision-making
    - Decision-making and negotiation roles
- Tomorrow, 27 November (Experts)
  - Introduction meeting, 17h30-18h00
  - Working Group Meeting, 18h00-20h00
  - Feedback, 20h00-20h20

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# Structure of the Seminar

- 28 November (Experts and Permanent Representatives)
  - Introduction meeting, 17h30-18h00
  - COREPER Meeting, 18h00-20h00
  - Feedback, 20h00-20h20
- 29 November (Permanent Representatives and Ministers)
  - Introduction meeting, 19h10-19h30
  - Council (GAERC) Meeting, 19h30-21h30
  - Feedback, 21h30-21h50
- 30 November: Final Feedback, 17h30-20h20

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# Negotiation in the EU

- 'Sui generis' ≠ International Negotiations
  - Process of 'continuous negotiation' -> Europeanisation, Brusselisation or 'Socialisation' effect
  - Institutionalisation of negotiations
  - Rules and Norms e.g. protection of the minorities, 'juste retour'
- Community and National interests: Equilibrium => EU Institutions
- Contextual and contingent factors: e.g. first enlargement 1973

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# Types of Negotiations Forums

## Scope & Participants

<b>Scope Participants</b>	<b>Single Issue</b>	<b>Multi-issue</b>	<b>Wide scope</b>
<b>Bilateral</b>	Channel Tunnel	Poland/Ukraine	France/Germany
<b>Restricted Multilateral</b>	European Space Agency	Nordic Council G7/8	European Union
<b>Extended Multilateral</b>	World Trade Organization	Council of Europe	United Nations

Source: Wallace & Hayes-Renshaw, 2006

# Types of Negotiations Forums

## Setting & Intensity

<b>Setting Intensity</b>	<b>Weak rules</b>	<b>Limited rules</b>	<b>Strong rules</b>
<b>Occasional or time limited</b>	Channel Tunnel		
<b>Medium frequency</b>	Poland/Ukraine Council of Europe G7/8	Nordic Council World Trade Organization	
<b>Very frequent</b>	United Nations	European Space Agency	European Union

Source: Wallace & Hayes-Renshaw, 2006

# Different levels of negotiation

- Different stages: Preparatory > Decision > Implementation
- COM > DGs : Expert Groups > College => Comitology (implementation)
- EP > Committees > Plenary
- Council > Working Parties (Groups) > COREPER (70-80 % decisions taken) and other special committees > Council of Ministers

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# Reducing EU Complexity

- EU > Networks: Multilevel network negotiations
- Reducing complexity & uncertainty:
  - Coalition: in the EU issue-specific, floating coalitions
  - Leadership
  - Issue linkage (e.g. package deals)
  - Rules & Norms
  - Institutional framework

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# Cleavages in the EU

- ❑ Divisions between EU member states: normally not stable, linked with issues (= coalitions) BUT
- ❑ North-South divide
- ❑ East-West
- ❑ Net contributors - Net receivers
- ❑ Policy-driven cleavages e.g. CAP

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# Decision-making Negotiation in the Council

- Treaty
- Rules of Procedure
- Commission initiative -> WGs -> COREPER (point I and II) or another special committee (SCA)-> Council of the EU (formations)(points A and B)
- Voting:
  - Simple majority
  - QMV
  - Unanimity

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# Decision-making Negotiation in the Council

- BUT de facto consensus
  - Fritz Scharpf's (1983 (1988)) "joint-decision trap": de facto insistence on unanimity
  - Bargaining ≠ Problem-solving negotiation
  - Individualist and confrontational ≠ strongly-held and clearly-shared common beliefs and norms
- BUT vertical segmentation, SO between both models of negotiation: regulation vs. redistribution policies

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# Simulation Exercise

# Simulation exercise: “Made in...”

- ❑ External Trade
- ❑ Decision-making in Trade, art. 133
- ❑ Proposal for a Regulation
- ❑ Policy-decision stage -> COREPER and Council
- ❑ Explanation exercise
- ❑ The role of information

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# Simulation is Simplification I

- Simulation is simplification (less complexity)
- Differences with reality:
  - Information
  - Organisation  $\neq$  individual
  - Intradelegation (internal) negotiations
  - No possibility of real issue linkage
- Adaptation of the exercise:
  - Consequences of adapting the facts
  - Consequences of adapting the time

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# Simulation is Simplification II

- ❑ Agent vs. Actor. Only confidential instructions.
- ❑ Position building:
  - ❑ Background information
  - ❑ Confidential instructions
  - ❑ Information gathering
  - ❑ Negotiation

# «Country»

## Confidential Instructions

**Overall proposal:** «Overall»

**A) High priority instructions:**

«High1»

«High2»

\*\*\*

**B) Low priority instructions:**

«Low1»

«Low2»

These confidential instructions are short indications of your national position. Therefore, you must complete them with your own input following the general guidelines included in the negotiation package (section 6. Guidelines for Position Building).



# The Exercise: The Roles

- Participants
  - 3 Presidency
  - 3 European Commission
  - 3 national delegations Roles
  - Council Secretariat
- Presidency
  - COREPER: Portuguese Permanent Representative
  - Council: Minister of Portugal at Council

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# The Exercise: The Roles

- European Commission
  - Director General DG Trade
  - Commissioner for Trade
- National delegations
  - Permanent Representative (German Deputy Permanent Representative)
  - Minister at Council (German Permanent Representative)
- Secretariat General

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# The Exercise: The Meetings

- Working Group
  - November 27, 18h00-20h00
  - Experts
- COREPER
  - November 28, 18h00-20h00
  - Experts, Permanent Representatives and DG (no Ministers or Commissioner)
- Council of Ministers
  - November 30, 19h30-21h30
  - Permanent Representatives, Ministers, DG and Commissioner

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# **Distribution of Roles**



**Read instructions and EC  
proposal. Q&A.**