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The discretion of the EP negotiating team in the informal trilogues regarding the 2014-2020 CAP reform

A Principal-Agent Analysis

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Questa tesi è per voi.

<<L'Europa è tutta una grande città, e il treno è la sua metropolitana. Da Parigi si va in treno a Londra, Bruxelles, Amsterdam. L'Europa è il mio Paese, è la mia città. >>

-Renzo Piano, Senator for Life of the Italian Republic

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Introduction

The subject of the present master thesis is the *discretion* of the European Parliament's (EP) negotiating team in informal trilogues. In the present research, the term *discretion* is to be defined as the room of manoeuvre of the negotiating team in its relationship with the European Parliament. Trilogues are informal meetings to negotiate legislative compromises between the European Parliament, the Commission, and the Council. In these trilogues, the EP is represented by a negotiating team composed by several Members of the European Parliament (MEPs). The team enjoys some level of discretion while negotiating, but its extent and the reasons behind the agent's autonomy are still unknown. Therefore, this dissertation's goal is to investigate and understand them. The study of this subject is to be framed- for the present research- in the case study of the 2014-2020 reform of the Common Agricultural Policy (CAP), also known as the 2013 CAP reform. The tool to be used to analyze the discretion of the EP negotiating team during trilogues is the Principal-Agent theory.

Numerous scientific articles have been published on the topic of the trilogues; meanwhile, the Principal-Agent theory has also been applied to the study of these interinstitutional negotiations. Nonetheless, there is still little literature analyzing the application of the Principal-Agent model solely on the relationship between the EP negotiating team (the Agent) and the European Parliament (the Principal). The Principal-Agent model helps to understand the dynamics of the relationship between these two actors at play; still, this has been largely marginalized by the Principal-Agent literature. Instead, scholars focused more on the study of relations between the Commission acting as the agent of the EU Member States in international negotiations (to cite some of them: Franchino, 2000; Billiet, 2009; Delreux and Kerremans, 2010; Da Conceiçáo-Heldt, 2010; Niemann and Huigens, 2011; Gastinger and Adriaensen, 2019).

Moreover, both in the trilogue literature and in the Principal-Agent literature analyzing the EP role during trilogues, the study of the Agricultural Committee (COMAGRI) as a responsible committee was not deeply considered. This is because the 2013 CAP reform was the first one in which the Parliament was involved in these tripartite meetings. Instead, deep analyses on the role of committees such as the one on Budgets (BUDG), Internal Market and Consumer Protection (IMCO), Civil Liberties, Justice and Home Affairs (LIBE), Development (DEVE), Environment (ENVI), Regional Development (REGI), and Economic Affairs (ECON) during trilogues have been made (to cite some sources: Benedetto, 2005; Häge and Kaeding, 2007; Brandsma, 2015; Roederer-Rynning and Greenwood, 2016). Therefore, as the PA theory has helped scholars

analyze the dynamics between actors involved in trilogues, but it did not deepen the relationship between the EP and its negotiating team, it is relevant to explore this grey area to expand the understanding and literature on the subject. The same goes for the choice to focus on COMAGRI and the CAP as a case study for this research project. COMAGRI has not yet been taken into consideration from the trilogue literature. However, since during the negotiation of the 2013 CAP reform the EP negotiating team saw a great involvement of actors such as the Committee Chair (int. B, C, D), COMAGRI is different from other EP committees, therefore worthy of analysis. Furthermore, investigating the EP negotiating team's discretion is of key importance, because these actors are the ones managing and negotiating the European legislations on behalf of the EP. Nonetheless, the way they interact with their counterparts and with the EP, how they work during trilogues and in what conditions is still unclear to many. It is therefore necessary- for the understanding of European lawmaking and its outcomes for the CAP- to deeply investigate these negotiations, to understand the extent of the EP negotiating team's autonomy, and the reasons behind it. To solve this puzzle, the present dissertation's work is to answer the following question: *how to explain the level of discretion enjoyed by the EP negotiating team in the informal trilogues for the 2014-2020 CAP reform?*

Before introducing the research method to be used in this thesis, some definitions need to be presented, in order to clearly define every aspect of this dissertation's subject, such as what trilogues are, what is the role of the EP during trilogues, what is the Common Agricultural Policy, what is the definition of *discretion*, what is the Principal-Agent theory, and why is it used in this research. Trilogues are rounds of informal negotiations between the Council, the European Parliament, and the European Commission. These meetings were originally implemented to fasten the Ordinary Legislative Procedure (OLP) for non-controversial or highly technical legislative measures proposed by the Commission and that needed the approval of both the EP and the Council. However, this habit has been extended over time to various dossiers adopted through OLP, with the aim of being more efficient (Bunyan, 2007). To accomplish this result, the three institutions started to reach agreements in the first reading, which followed negotiations in trilogues. These tripartite meetings between the Commission, the EP, and the Council can be conducted at any stage during the Ordinary Legislative Procedure. Nonetheless, the practice since the 1999 Amsterdam Treaty has led the three institutions to use trilogues during the first reading phase (Roederer-Rynning and Greenwood, 2016).

Concerning the European Parliament's role in these informal meetings, since 2012 it has to be represented by a team composed of rapporteurs, shadow rapporteurs, and support staff (circa 20-30 people) that negotiate on its behalf, while the core negotiating team is composed only by the committee Chair, rapporteur and one shadow rapporteur per political group (Roederer-Rynning and Greenwood, 2015). The *rapporteurs* play a leading role both within the negotiating team and within the walls of the European Parliament. A rapporteur is an MEP appointed by the relevant parliamentary committees responsible for drawing up a report and a legislative recommendation to be put to the EP for a vote (Directorate-General for Internal Policies of the Union, et al, 2017). The reports are elaborated after the EP has received the legislative proposal from the Commission. Rapporteurs are responsible for handling the legislative proposal formed by the Commission, for drafting the legislative recommendation and for entering into negotiations on behalf of the Parliament during trilogues. The rapporteur, therefore, plays a crucial role throughout the process. *The shadow rapporteurs* are appointed by the political groups within the responsible committee with the aims of both having their instances represented during the tripartite negotiations and to monitor the process (Corbett et al., 2005; Directorate-General for Internal Policies of the Union, et al, 2017).

The Common Agricultural Policy is one of the most important policies of the European Union (EU), committing 37% circa of the EU budget. It was established under Article 33 of the Treaty of Rome and it was officially launched in 1962. At its creation, one of its goals was to modernize and develop the agricultural offer in Europe. In the present times, its aims are: promoting technical progress and guaranteeing the best use of the factors of production (especially labour) to increase agricultural productivity; to ensure a fair standard of living for farmers; to stabilize markets; to ensure the accessibility of supplies, and to ensure reasonable prices for customers. This policy is one of the first integrated EU policies.

Over time, the CAP went under several attempts at reforms and actual reforms as new challenges emerged. The latest reform (2013) was the first one in which the European Parliament -through the work of its responsible committee, the COMAGRI- was involved as a co-legislator. Within the Ordinary Legislative Procedure, the EP has tabled amendments to the Commission's legislative proposals on the reform's four main regulations: Direct Payments; the Single Common Market Organization; Rural Development; and Horizontal Regulation. These amendments became the mandates for the EP negotiating team to enter into negotiations with the representatives from the Commission and the Council. These were the bases on which, following

numerous trilogue meetings, a political agreement has been reached. The EP adopted its stance on the 20th November 2013 in first reading. Finally, the CAP reform was implemented after the Council's vote in December 2013. The present thesis decides to analyze the *discretion* of the EP negotiating team during trilogues from when the Commission proposal has been amended by the EP in March 2013, up until November 2013, when the EP approved at first reading the resulting document from trilogues.

To study the relationship between the EP and its negotiating team, the *Principal-Agent model* (/theory) is applied in the present dissertation. The Principal-Agent theory is a heuristic tool that helps scholars to understand the dynamics and relationship between actors -the Principals- who delegate their authority to perform a particular task to other actors -the Agents- (Brandsma and Adriaensen, 2017). In this research, the EP negotiating team is the agent, acting during trilogues on behalf of its principal: the European Parliament. As for the present thesis, the Principal-Agent model is used more specifically to study the *discretion* enjoyed by the negotiating team during trilogues. The Principal-Agent literature gave numerous definitions to the concept of agency discretion. In this research, *discretion* is to be defined as the room of manoeuvre of the negotiating team, a definition that coincides with that of Delreux and Adriaensen (2019), for whom discretion is the 'leeway enjoyed by the agent in the execution of its delegated task'. As stated above, principals decide to delegate authority to an agent- especially during negotiations- because the delegation itself is beneficial to principals (Pollack, 2003). Nonetheless, delegation generates also costs for the principals, such as for the agent to behave opportunistically or to hold more information than the principal. Therefore, the principal has to activate control mechanisms in order to prevent or mitigate those costs, while the agent tries to conquer more autonomy from the principal. As Delreux (2009) stated, 'a principal–agent decision-making process is characterized by a continuous assessment of the costs and benefits of both delegation and control by the principals'. Consequently, discretion is also the result of this assessment, as it is 'granted by the principals and conquered by the agent' (Delreux, 2009). This latter definition amplifies that given by Delreux and Adriaensen (2019), giving to the notion of *discretion* an ampler meaning: *discretion-which is granted by the principal in the first place- is the margin of manoeuvre conquered and enjoyed by the agent while executing its delegated task.*

In the study of the politics of discretion, numerous factors can influence the level of autonomy of the agent. However, the present dissertation chooses to analyze the influence of just two of them: the first one is the *composition of the agent;* the second one is the *informal context* in which the

agent operates. Since 2012, the EP negotiating team must include, besides the rapporteur, shadow rapporteurs for every political group and the Chair of the responsible committee. Thus, in the case of the relationship between the EP and its negotiating team, the agent composition mirrors that of the principal. Therefore, a first proposition can be made: *the EP negotiating team did have a high level of discretion because its composition mirrors that of its responsible committee.* Furthermore, several studies have shown that discretion also depends on the characteristics of the institutional setting in which the agent executes its tasks, such as its level of informality (see Delreux, 2011; Niemann and Huigens, 2011). Therefore, a second proposition can be formulated: *the informal context of trilogue negotiations led the EP negotiating team to achieve a high level of discretion vis-à-vis its responsible committee's mandate.*

To understand if the two propositions previously made are to be considered applicable to the present case study, this dissertation develops a precise research method. First of all, a literature review on scientific articles about the Principal-Agent theory illustrates what, according to the academic views, explains the politics of delegation of the agent. This step sets the theoretical background of the research. Second of all, the data analysis method is developed by following three steps. Firstly, a comparison between the texts of the mandate made in March 2013 (which comprehend the amendments wanted by the Parliament) and the final text approved by the EP in November 2013 is made in order to understand how many Parliament amendments have been included in the final approved text. Secondly, interviews with a pre-defined set of questions are made. This second step plays a key role, as the interviews reveal the reasons why the agent in the case study enjoys discretion. Thirdly, the answers collected from the interviews are compared between each other and to the general literature.

Therefore, the present dissertation expands the literature in three ways. Firstly, it analyzes the relationship between the EP and its negotiating team under the lenses of the Principal-Agent model, hence further diversifying the subject of the Principal-Agent literature by following the path laid out by Delreux and Laloux (2018). Secondly, it focuses on the reason why the negotiating team as the agent enjoys its discretion while being engaged in trilogues. No one in the literature on trilogues has thoroughly studied the determinants of agent autonomy. In this way, this dissertation expands the Principal-Agent literature studying the discretion of the agent, as opposed to those scholars who focus on the study of the delegation of authority from principals to agents. Thirdly, the analysis of the discretion of the EP negotiating team during the 2013 CAP reform clear up the role of COMAGRI as the committee responsible for handling the legislative

proposal of the reform. As the role of COMAGRI was not analyzed fully in previous work, the present study examines its role in relation to the negotiating team during trilogues.

The present research is divided into six chapters. The first chapter is an institutional contextualization of the subject, and therefore it also outlines the framework of the European Union policymaking. It contains four sections. In the first section, it is present a description of the Ordinary Legislative Procedure. In the second section, it is outlined a portrayal of the Trilogues' literature from the side of the European Parliament. The third section is a presentation of the Common Agricultural Policy, its main features, and its various reforms. The final section focuses on the last CAP reform, on its features and the decision-making process that involved the Commission, the Council, and especially the European Parliament.

The second chapter comprehends the theoretical framework of the thesis, therefore a literature review on scientific articles about the Principal-Agent model and the theory applied to trilogues. This is presented in the first two sections. The last section of the chapter illustrates the two influencing factors of discretion chosen to be studied and the propositions previously presented.

The third chapter is reserved for the development of the research method. It explains why the present dissertation has chosen to develop a *qualitative research method* and the reasons behind the choice to analyze the single case study of the CAP reform. Further down the chapter, the thesis explains the reasoning behind the comparison between the texts of the mandates and the final approved texts. Also, semi-structured interviews are presented as a key element to supplement and triangulate the result of the texts confrontation.

The fourth chapter is reserved for the case study: the 2014-2020 Common Agricultural Policy reform. This chapter explores in depth the implication of the European Parliament as a first-time co-legislator for agricultural matters, the external actors involved (lobbies, NGOs, etc,), and the peculiarities of the trilogue negotiations. It also explains how the CAP reform is related to other cases of trilogues and other PA relations within the context of the EU institutional setting.

The fifth chapter shows the results of the research coming from the comparison of texts and the interviews. The answers collected are compared (between each other and to what the literature says on those factors) in order to understand if the two propositions previously made are to be considered applicable to the present case study.

The sixth and final chapter draws the conclusions of the thesis. From what emerges from the findings of the research, the present dissertation supports the propositions that the variables *mirroring composition of the agent* and *informal context of trilogue* have an impact on the discretion level of an EP negotiating team, and they can also be further analyzed in future case studies. Also, the results of the study highlight the peculiarity of the role played by COMAGRI as a responsible committee during trilogues, as it both granted great autonomy to the negotiating team and it actively participates in trilogues thanks to the role played by actors such as the COMAGRI Chair.

I. Context: the European Union institutions and policymaking

I.I The Ordinary Legislative Procedure

In this first section, it is present a description of the Ordinary Legislative Procedure (OLP). Within the OLP, the European Commission, the European Parliament and the Council of the European Union work closely to adopt a legislative text. The OLP is the only legislative procedure in which the use of trilogues can be found, as it is the only procedure during which the three afore-mentioned institutions work together as closely. Moreover, the OLP is the only procedure in which the Parliament and the Council have the same powers as legislators. This first section aims at setting the context of the research subject.

The Ordinary Legislative Procedure - known in the past as the Codecision Procedure- was first established with the adoption of the 1992 Maastricht Treaty (art. 189A), and since then it has been expanded with the 1999 Amsterdam Treaty and the 2001 Nice Treaty (art. 250). Finally, the 2009 Lisbon Treaty and the Treaty of the Functioning of the European Union (TFEU) asserted that co-decision became the "ordinary legislative procedure" for 85 policy areas. Article 294 of the Treaty on the Functioning of the European Union (TFEU) describes at length the functioning of the Ordinary Legislative Procedure, the involved European institutions, and their role in the Procedure. As the OLP is the legislative method used for most policy areas of the EU, this study focuses mostly on the interinstitutional context created within this procedure. The interinstitutional framework is here represented by the concerted work of the European Commission (Commission), the Council of the European Union (Council) and the European Parliament.

The European Commission is a politically independent institution that represents the interests of the EU as a whole. It is composed of 27 commissioners (one from each member state), each responsible of a specific portfolio, and by more than 24,000 civil servants. The commissioners compose the College of Commissioners, chaired by the President of the Commission. The Commission-which is not directly elected by the citizens but nominated by the Member States' governments and subject to the approval of the EP- has the sole right amongst all EU institutions to initiate legislation in most policy areas (notably in areas where the OLP is applied) and to submit the legislative proposal to the European Parliament and the Council.

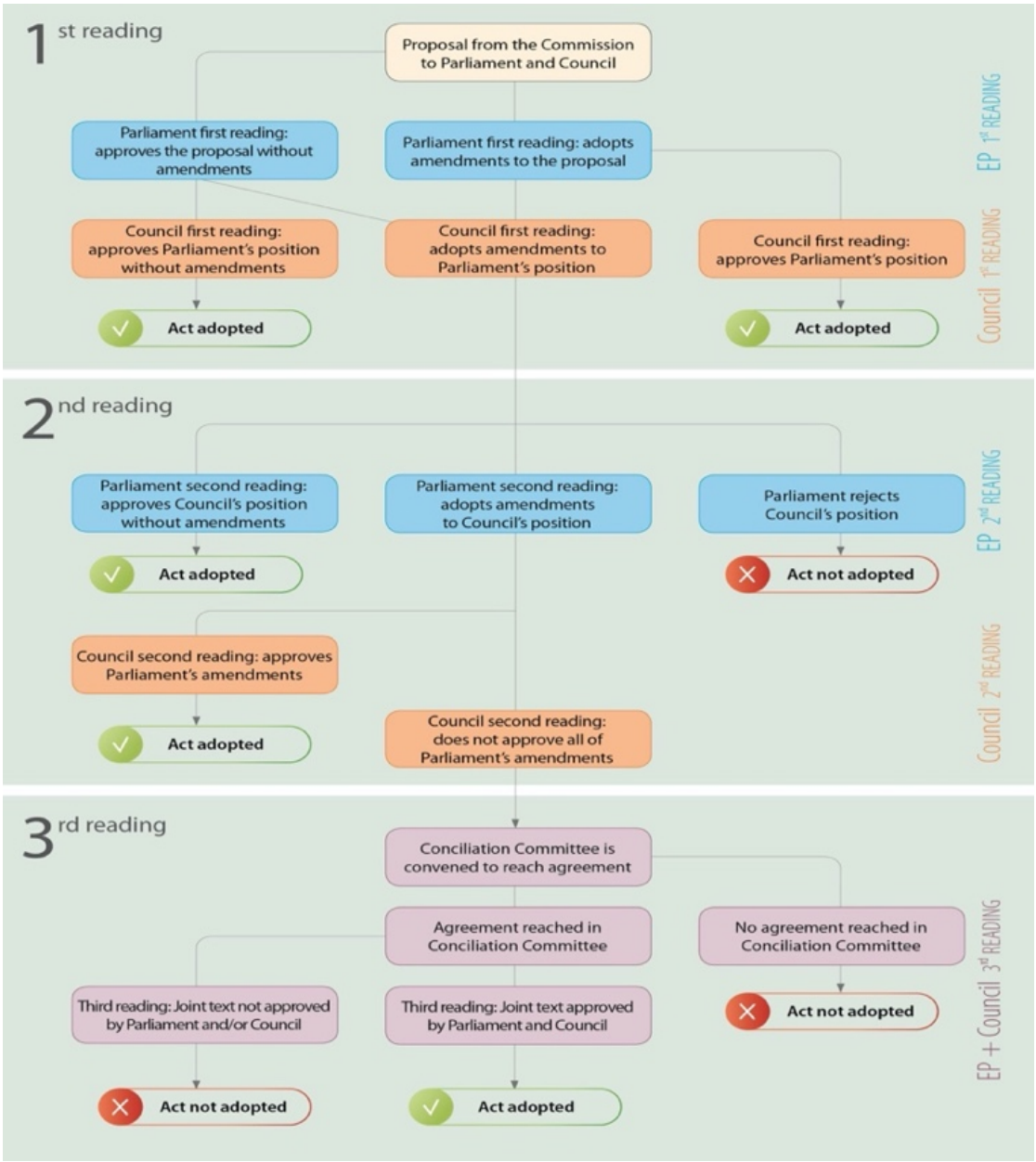
The Council shares with the European Parliament the power to legislate on matter proposed by the Commission under the Ordinary Legislative Procedure. It represents the interests of the Member States' governments and it comes in several configurations, depending on the matter discussed at the moment (ie. 'Economic and Financial Affairs Council Configuration', or the 'Foreign Affairs Council Configuration'). For every configuration, the Council consists of one minister or secretary of state from each member state (for example, if agriculture and fishery matters are to be discussed, the responsible ministers take part in the respective Agriculture and Fishery Council Configuration-AGRIFISH). Moreover, the Council configurations are assisted by the Council Secretariat in their day-to-day work. The Secretariat is responsible for the administrative and logistic tasks of the Council, and also for the 'substantive preparation of the Council's work' (Versluis et al., 2010).

The European Parliament is the only directly elected body of the EU since 1979 and, therefore, it is accountable to more than 503 million EU citizens. With its 751 MEPs, the EP has the power to legislate on matters proposed by the Commission under the OLP in concert with the Council. MEPs are elected every 5 years and the allocation of the seats is based on proportional representation. MEPs sit in political groups and most of the activities are structured around these groups. Some of them can also register as non-attached MEPs. Moreover, MEPs are divided between twenty standing committees and two sub-committees organized by policy area. The committees are formed by between 25 and 73 MEPs. These committees are created to 'do the preparatory work for Parliament's plenary sitting' (European Parliament [2], 2019). Each committee includes a Chair, a bureau, and a secretariat and its political composition tries to reflect the one of the plenary assembly.

According to the Ordinary Legislative Procedure, the European Commission submits a proposal to the European Parliament and the Council of the European Union. The EP and the Council in this procedure are co-legislator and have to adopt the Commission proposal jointly. The OLP affirms the principle of parity between the EP-a body directly elected and representing the people of the Union- and the Council, which represents the governments of the Member States (Directorate-General for Internal Policies of the Union, et al., 2017). Therefore, as co-legislator who are subject to the principle of parity, the European Parliament and the Council have to agree on and approve an identical text. According to the Procedure, there are three possible readings for adopting legislation. If the two co-legislators do not reach an agreement after the second reading, a conciliation committee is arranged. The conciliation committee has 'the task of reaching

agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the members representing the European Parliament […].' (Art. 249.10 consolidated version of the TFEU, 2012). The Commission is also involved in the Conciliation Committee. Finally, if the text agreed by the Conciliation Committee is agreed by the co-legislators at the third reading, the legislative act is adopted. Otherwise, if a legislative proposal is rejected at any of the three readings, or no compromise can be reached, the proposal is not adopted and the procedure ends.

Fig. 1. 1 The functioning of the Ordinary Legislative Procedure



Source: Directorate-General for Internal Policies of the Union, et al, 2017

If one considers the internal work of the European Parliament during the Ordinary Legislative Procedure, when a Commission's legislative proposal arrives at the European Parliament, the legislative text is redirected to one of the EP committees. The committees 'draw up, amend and adopt legislative proposals and own-initiative reports. The committees consider both Commission's and Council's proposals and, where necessary, draw up reports to be presented to the plenary assembly' (European Parliament [2], 2019). Among the members of the committee responsible to examine a legislative proposal, a *rapporteur* is appointed as the responsible MEP for the matter. The rapporteur prepares the committee's 'draft report', thus proposing amendments to the Commission proposal. Other political groups within the committee may select *shadow rapporteurs* to coordinate their position on the proposal matter. The rapporteurs and shadow rapporteurs are selected through a 'bidding process' from the EP political groups (Corbett et al., 2005; Directorate-General for Internal Policies of the Union, et al, 2017). The political groups in the Parliament receive a precise number of points according to their size and they bid for a report like an auction. Once a party group has obtained the right to choose the rapporteur, the party coordinators in the various responsible committees decide which party member receives the report, mostly based on the party member expertise on a certain dossier (Yoshinaka, et al., 2010). National party delegations within the political groups also play an important role in this respect, as they tend to fight for their fair share of appointments (Mamadouh and Raunio, 2003). The analysis of a Commission proposal can involve several committees rather than only one, under the procedure of opinion-giving committees, the associated committee procedure, or the joint committee procedure (Directorate-General for Internal Policies of the Union, et al., 2017).

I.II Trilogues and their literature

This second section explains in more detail what trilogues are, how were they born as a costume within the OLP, and how they developed throughout the years. Within this section, a clear focus is given to the role of the Parliament during trilogues, since the subject of the present dissertation is the *discretion* enjoyed by the EP negotiating team in informal trilogues. Moreover, this section outlines the main debates that emerged in the literature around the EP in trilogues, namely: the role of *rapporteurs*; the 'secrecy' of the trilogue procedure; the effect of trilogues on the EP accountability to its electors. Also, this section aims at setting the context of the research subject.

As the three institutions got used to the OLP, it became evident to them that this procedure was a time-consuming and complicated procedure (Benedetto, 2006). This is especially true if a Commission's proposal has to go through each of the three reading and the conciliation phase.

Nonetheless, between 2009 and 2014, almost 85% of all legislative files under co-decision were adopted as early agreements or first-reading agreements. Therefore, in those years, ‘co-decision has de facto become a single-reading legislative procedure' (Roederer-Rynning and Greenwood, 2015). This was possible thanks to the use of tripartite meetings between the EP, the Council and the Commission, also known as trilogues.

Trilogues were originally intended to speed up the OLP for non-controversial or highly technical measures (Bunyan, 2007); however, this habit has been extended to various co-decision measures for the sake of "efficiency" (Bunyan, 2007). To achieve this result, the three institutions started to reach early agreements following negotiations in trilogues. Even if they are not cited in the Treaties, trilogues originally emerged after the 1993 Maastricht Treaty as a technique to facilitate conciliation (Roederer-Rynning and Greenwood, 2016). Trilogues can be conducted at any stage during the Ordinary Legislative Procedure. Nonetheless, as the 1999 Amsterdam Treaty allowed EU legislation to be passed at first reading, early agreements in first lecture became a standard practice within the OLP context (Roederer-Rynning and Greenwood, 2016).

According to Roederer-Rynning and Greenwood (2015), the entire system of informal interinstitutional meetings is composed of three layers. First, there is the political trilogue level, which is the core of this layered structure. It is at this stage that political compromises are made (Roederer-Rynning and Greenwood, 2015). Moreover, political trilogues are composed of the largest number of people. Most of them compose the European Parliament team, and they are supported by their administrative staff. On its side, the Council delegation is composed of 3 people, usually officials belonging to the Council Rotating Presidency and the Committee of Permanent Representatives (COREPER). Lastly, the Commission's negotiating team is composed of around 8-12 people, often the Deputy Director-General and Heads of Units, supported by administrative staff (Roederer-Rynning and Greenwood, 2015). The three delegations informally explore possible options for reaching a compromise and report on the outcome of the consultation or regularly request the renewal of their mandates on the basis of the internal rules of their respective institutions. Political trilogues are prepared by technical meetings known as technical trilogues, the second layer of Roederer-Rynning and Greenwood’s (2015) system. These trilogues include Commission policy officers, MEP assistants, and administrative officials (Ripoll Servent and Panning, 2019). These first two levels (political and technical trilogues) form a rather coherent whole. Finally, the third level is composed of "bilateral meetings" involving Parliament's staff and Council representatives. These are inter-institutional interactions. In parallel, works and

monitoring are carried out internally in each institution (Roederer-Rynning and Greenwood, 2015).

A key instrument used during trilogues is the so-called 'four-column table' document (Roederer-Rynning and Greenwood, 2015), which includes the Commission proposal in column 1; the EP amendments and mandate in column 2; the Council's text and mandate in column 3; and finally, the agreed text in column 4. Any agreement reached during the informal trilogues must be approved by the representatives of each institution during one of the official readings. In the case of the European Parliament, the agreed text needs to be first submitted to the responsible committee for its approval; then the text is presented in plenary. Additionally, to make the four-column table document public, the consent of the three institutions is required (Brandsma, 2015).

Since the 2012 reform of the EP Rules of Procedure, during trilogues, the European Parliament is represented by a team composed of between 20 to 30 people- rapporteurs, shadow rapporteurs and support administrative staff (Roederer & Greenwood, 2015) - negotiating on its behalf (Roederer-Rynning and Greenwood, 2015). Still, the core negotiating team is composed only by the rapporteur and the shadow rapporteurs from each political group, and it is presided over by the Chair (or Vice-Chair) of the responsible committee(s) (European Parliament [1], 2019). The EP decision to enter into trilogue negotiations can be taken at the committee level (European Parliament [1], 2019).

As already mentioned in the introduction, the *rapporteur* is an MEP appointed by the EP Committee responsible for handling the legislative proposal put forward by the Commission. As the MEP is appointed, he (or she) becomes the responsible MEP for the matter. The rapporteur works on making reports and amendments to the legislative proposal. The reports are then addressed to the Committee, and then to the EP plenary. *The shadow rapporteurs* are appointed by the political groups within the responsible committee with the aim of having their views heard and represented during the tripartite negotiations. As previously affirmed, both rapporteurs and shadow rapporteurs are selected through a 'bidding process' from the EP political groups (Corbett et al., 2005).

Before the mandate is voted in plenary, starting officially the negotiating phase, preparatory work within the EP takes place mostly in shadows meetings. In these meetings, the rapporteur and shadow rapporteurs try to find a compromise on the rapporteur's report and forge a solid front for

the upcoming negotiations with the Commission and the Council (Ripoll Servent and Panning, 2019). These meetings have slowly become the *de facto* decision-making bodies of the EP regarding the preparation for trilogues, becoming even more essential as highly politicized legislation emerged throughout the years (Ripoll Servent and Panning, 2019). After a compromise is reached in the shadow meetings, the *rapporteur's* report is discussed firstly in committees, and then during the plenary, where the amendments to the legislative proposal are voted. The amendments then become the mandate for the EP negotiating team to enter into informal negotiations. The mandate needs a qualified majority vote in the committee before passing to the EP plenary (Directorate-General for Internal Policies of the Union, et al., 2017).

In the co-decision procedure, Costello and Thompson (2010) state that EP rapporteurs still have a 'significant influence' on the EP's opinions when legislative proposals are subject to early agreements, even though they are part of a team negotiating during trilogues. Benedetto (2005) defines rapporteurs as *legislative entrepreneurs*, given that they are the most powerful MEPs 'in terms of influencing the content of legislative outcomes' (Benedetto, 2005). According to Brandsma (2015), rapporteurs also have the possibility to expedite or delay the legislative decision-making. During trilogues, rapporteurs are believed to have a 'quite extraordinary latitude to set the agenda of negotiations' (Farrell and Héritier, 2004). Even recent studies confirm that despite in the latest years the trilogue procedural framework has been significantly tightened in order to control the rapporteurs in negotiations, the latter 'still enjoy considerable autonomy in terms of structuring the process of negotiations and thereby influencing final outcomes' (Brandsma and Hoppe, 2020). According to Farrell and Héritier (2004), rapporteurs are the most important *relais actors* within the EP. *Relais actors* are those 'who represent their own organization in discussions, [who] form the link or "relais" to the other organization, […] and who also control the flow of information from their own organization to other and vice versa' (Farrell and Héritier, 2004).

Costello and Thompson in a later article (2011) examine how the characteristics of rapporteurs affect the EP's bargaining success against its counterparts during trilogues (especially the Council). They notice that the room for manoeuvre offered to rapporteurs is unusual. They suggest that negotiators play a 'two-level game' (Putnam, 1988), where bargaining strength is shaped by the degree to which negotiators can credibly claim to be constrained by the institutions they represents. This can be applied to the trilogue context when analyzing rapporteurs' influence. In this case, rapporteurs gain bargaining strength during trilogues when they can convincingly claim

that the EP (through its mandate) constraint them. Furthermore, the EP does better when the rapporteur is in a position to gain information regarding the win-set of the Council, and its winning position is enhanced when the rapporteur can convince to be both supported and constrained by a majority in the EP (Costello and Thompson, 2011).

Even though the use of trilogues has become a habit to fasten the Ordinary Legislative Procedure, the rise of this practice has been an object of intense debates among scholars. As Brandsma (2015) states, trilogues generally are seen as tradeoffs in which 'speed is prioritized over inclusive decision making'. He also affirms that this tradeoff affects just the one party who is directly linked to the EU citizens: the European Parliament. In this setting, the Council and the Commission are not as touched as the EP, since they have more bureaucratic and governmental working methods and are not directly elected (Brandsma, 2015).

Following the debate around trilogues, numerous scholars have sustained that these tripartite meetings are an opaque behind-closed-door instrument (Farrell and Héritier 2004; Héritier and Reh 2012; Reh 2014). For example, before the 2012 EP Rules of Procedure reform, the rapporteur was the sole representative of the EP during trilogues. At the time, the rapporteur was not bound by a precise mandate from the responsible EP Committee. Moreover, there was no obligation to provide information on the development of the negotiation during trilogues, but only the obligation to consult the committee again before the vote in plenary if an agreement was reached (Brandsma, 2018). This gave the rapporteur ample room for manoeuvre, which was seen with distrust by those who feared "back-stairs bargaining" with representatives of the Council and of the Commission. This also meant less involvement of both the relevant parliamentary committees and political minorities (Farrell and Windhoff-Héritier, 2003).

In an analysis conducted by Rasmussen and Reh (2013), the two scholars expected that the habit of resorting to early agreements was going to have a redistribute influence within the EP by increasing the bargaining success of *relais actors*, especially those who represent big party groups. However, their research showed a completely different result. Indeed, their study revealed that, when salient files are discussed during trilogues, control by committees and shadow rapporteurs is tighter (Rassmussen and Reh, 2013). Moreover, the EP mostly select rapporteurs which are close to the median MEP, and if a rapporteur tries to take advantage of his/her opportunities to make his/her preference prevail, he/she is less likely to achieve an early agreement (Rassmussen and Reh, 2013). Additionally, since now rapporteurs are part of a

negotiating team, and delegation is larger, control on rapporteurs becomes tighter. Consequently, exploiting information asymmetries between them and the EP becomes harder, and deviating becomes even more difficult (Rassmussen and Reh, 2013). As the 2012 reform was implemented, the rapporteurs have now the duty to report every single trilogue's update back during meetings of their parliamentary committee. Alternatively, if it is not possible to convene the committee on time, the reform provides for the rapporteurs to report to the committee Chairman, the shadow rapporteurs, and the committee coordinators. As said previously, rapporteurs are now also part of a negotiating team and follow more stringent rules in order to pursue the goals of accountability and transparency. In fact, according to the work of Judge and Earnshaw (2011), the definition of *relais actors* that once was the prerogative of rapporteurs only (Farrell and Héritier, 2004), needs to be extended beyond them by including shadow rapporteurs in the category of *relais actors*.

For Bunyan (2007), an important shift happened in the decision-making process with the rise of the habit of trilogue: from the public forum of the EP plenary to a secret and remote place where public scrutiny and debate is not taken into account. Additionally, the general literature revolving around the trilogues field tends to agree on the fact that the final compromises reached during these informal meetings lacked transparency before the implementation of the 2012 EP Rules of Procedure reform. As a matter of fact, access to documents produced during trilogues used to be classified or even unavailable, even to MEPs external to the EP negotiating team, thus making the trilogue process even more secret and dense (Reh et al., 2013).

Notwithstanding the 2012 reform, since informal trilogues are still not publicly accessible, information and documents on the proceedings of interinstitutional bargaining have to come from the institutions involved, especially from the EP, who is accountable to its electors. Still, EP reports on trilogues evolution are not produced in time nor at all. Those few who are made available, their quality is usually poor (Brandsma, 2018).

Obholzer and Reh (2012) suggested that the change in the Rules of Procedure had to balance three key values of legitimate decision-making: effectiveness, transparency, and inclusiveness. Originally, the functioning of the trilogues and the specific actors involved have long remained unknown and uncodified (Roederer-Rynning and Greenwood, 2015). Afterward, as the 2012 EP internal reform was implemented, the roles of the negotiating actors and the modality of the trilogues became clearer, particularly through the institution of well-defined Rules of Procedure. Especially within the European Parliament, the institutionalization of trilogues has 'strengthened

[its] transparency and accountability […] and the quality of interinstitutional negotiations' (Directorate-General for Internal Policies of the Union, et al., 2017). Still, informal institutional negotiations do not yet constitute uniform practices (Laloux, 2019).

Reh (2014) also focuses on the role of the European Parliament in trilogues. She especially focuses on the role of the EP negotiating team within the discussion on the opaqueness of the 'undemocratic' trilogue system. She argues that the EP representation in trilogues 'with a strong "selection core" and a weak "sanction periphery" […] introduces normative standards that make the selection model democratically tenable' (Reh, 2014). Therefore, by following a stricter selection of its representatives while lowering possible sanctions it may impose on the same representatives, the EP can bring some accountability and transparency to the trilogue phase (Reh, 2014).

On their side, Roederer-Rynning and Greenwood (2016) see the institutionalization of trilogues as a process in which the European Parliament became more aware of the potential scope of interinstitutional meetings for the whole community revolving around the EP. They also affirm that trilogues can be seen as a stage in 'restoring the centrality of EP committees in the legislative process' and that they 'also coincided with the substantial development of reliable and high-quality in-house expert knowledge' (Roederer-Rynning and Greenwood, 2016). On the centrality of EP committees, Burns (2013) pointed out that 'while committees are still important actors, their scope to act as a sole voice of authority on a policy area is being challenged, and political groups are seeking to exercise control over and through committees'. For Kardasheva (2012), even if the EP does not always seem successful in the arms wrestling with its legislative counterpart during trilogues -as its success depends on the type of issues and impatience of the legislators- the European Parliament gains 'certain institutional powers, but its influence largely depends on its internal cohesion' (Kardasheva, 2012). As a matter of fact, Häge and Kaeding (2007) suggested that trilogues allowed the EP to gain more power vis-à-vis the Council.

To sum up, the use of the OLP and trilogues increased the power of the European Parliament. Both trilogues and key figures of the EP negotiating teams- namely, the rapporteurs- have been at the center of a heated debate among scholars regarding important issues such as the transparency of the process or the accountability of those actors. These issues form the institutional background on which the present thesis will build its research. These discussions have a major impact on the research of this study, as the present analysis will also try to understand

issues such as what kind of setting was present during the trilogues (if it was rather informal or not), what kind of role the various actors in the negotiating team played, or what kind of control was exercised over them and to what extent. Therefore, in order to properly understand the issues that are to be addressed during this research, a theoretical premise on the trilogues and the actors involved was deemed necessary.

I.III The Common Agricultural Policy: history and reforms

This third section is a presentation of the Common Agricultural Policy, its main features, its history, and its various reforms. This section gives the reader the necessary instruments to understand what the CAP is, where did it come from, and what it aims to achieve, as the research subject is to be framed in the case study of the 2014-2020 reform of the Common Agricultural Policy.

As stated in the previous section, with the 2009 Lisbon Treaty, co-decision became the "ordinary legislative procedure" for 85 policy areas, including agriculture. This means that also the reforms of the Common Agricultural Policy are now under the umbrella of the Ordinary Legislative Procedure. The CAP is one of the most important policies of the European Union, committing around 37% of the EU budget. As Roederer-Rynning and Schimmelfennig (2012) assert, the process of bringing agriculture- only for legislative acts- under the umbrella of the OLP was part of a more general process of constitutionalization. The two scholars see the process of *parliamentarization* of agriculture as a spotlight on the 'process of institutional democratization in the EU' (Roederer-Rynning and Schimmelfennig, 2012), even when co-decision is opposed by vocal and influent actors such as the Member States.

The CAP is currently a system of income and market support programs for the agriculture and rural sectors. Around 52% of the European Union's territory is categorized as predominantly rural, and the EU has circa 11 million farms and 22 million people working in the sector, which provides almost 44 million jobs in the EU and for 500 million consumers to enjoy food security (Directorate-General for Communication, 2017). The CAP supports farmers in different ways: income support through direct payments that remunerate farmers for delivering public goods not protected and paid by the markets; market measures in order to deal with difficult market situations; rural development measures through programs that address specific needs and challenges of the EU rural areas. The first two instruments are solely funded by the EU budget, while rural development measures are co-financed by the Member States.

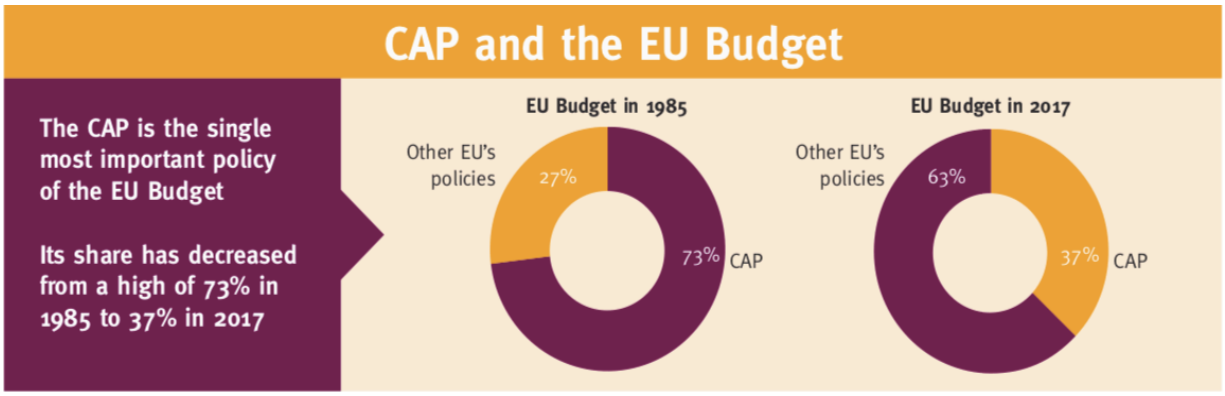
The CAP is structured around two pillars. The first pillar comprises a direct payments scheme and market measures. Direct payments help to ensure the permanence of agriculture in Europe, ensuring certain stability of income for producers and safeguarding farms from price fluctuations. They also provide compensation for the activities of farmers who do not have an outlet on the market, but who provide a service to all citizens: their provision is, in fact, subject to compliance with environmental standards, food safety, plant health requirements, animal health, and welfare. The first pillar is further complemented by market measures, consisting of financial aid and regulatory rules. Financial aid is intended to prevent economic or health crises or adverse weather events from preventing production from continuing. The aim of the regulatory rules is to ensure that farmers are able to recognize the correct value added by the market (Ministero delle politiche agricole alimentari e forestali, 2019).

The second pillar comprises rural development support measures. This pillar aims to maintain the vitality of the countryside through investment, modernization, and support programs for activities - both agricultural and non-agricultural - in rural areas. The measures envisaged for this purpose have numerous objectives (known as axes) such as the increase of the agricultural and forestry sector's competitiveness by supporting restructuring, development, and innovation; enhancing the environment and the countryside by supporting land management; improve the quality of life in rural areas and promote diversification of economic activities (Ministero delle politiche agricole alimentari e forestali, 2019).

Each pillar is financed by a different fund: the first pillar is based on the European Agricultural Guarantee Fund (EAGF), which provides for annual and non-co-financed funding; the second pillar is based on the European Agricultural Fund for Rural Development (EAFRD), which provides for multi-annual and nationally co-financed funding (Directorate-General for Communication, 2017).

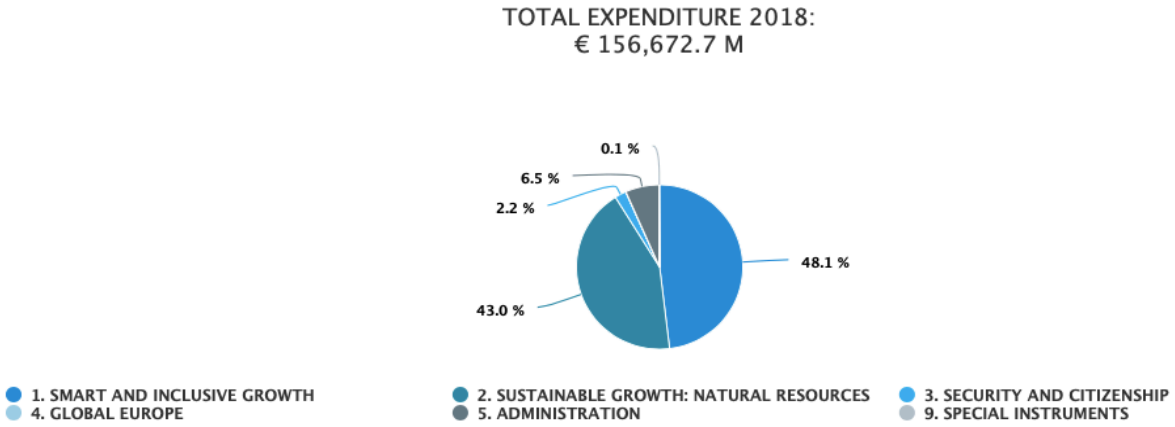
This policy is the single largest area of expenditure of the EU budget. In 1986 it took 73% of the EU budget share, while now it is reduced to 37% of it. Under the 2014-2020 Multiannual Financial Framework (MFF), 43% of the budget is assigned to the program 'Sustainable Growth: Natural Resources', in which the CAP is included and for which a total of €408.31 billion is allocated (European Commission, 2018).

Fig. 1. 2 The CAP in the EU Budget (as percentage)-part 1



Source: Parliamentary Budget Office (PBO) of the Houses of the Oireachtas (Irish Parliament), 17 August 2018.

Fig. 1. 3 The CAP in the EU Budget (as percentage)-part 2



Source: https://ec.europa.eu/budget/graphs/revenue_expediture.html

The history of the Common Agricultural Policy is quite an old one. As a matter of fact, it was one of the first integrated policies in Europe. Thanks to the strong will of Charles de Gaulle, the Common Agricultural Policy was established under Article 33 of the Treaty of Rome instituting the European Economic Community. Nonetheless, the CAP was officially launched in 1962. The need to implement an integrated agricultural policy was due to the fact that the European countries had just come out of the war, during which the population had experienced situations of very serious food shortages. Moreover, farming successes depended (and still depends) mainly on the weather and the climate. There was also the need to address the issue of time gap between consumer demand and farmers' ability to supply food.

At that time, an important aim of the CAP was to modernize and develop the agricultural offer in Europe through the construction and application of the Common Market Organisation (CMO). Article 39 TFEU sets out the present objectives of the CAP: to increase productivity by promoting technical progress and ensuring the optimum use of the factors of production (in particular, labour); to ensure a fair standard of living for farmers; to stabilize markets; to ensure the availability of supplies; to ensure reasonable prices for consumers.

As different challenges emerged, the European institutions proposed to reform the Common Agricultural Policy to improve and follow new goals. Nonetheless, the CAP has proved to be a difficult area to reform from the outset. In 1965, the Hallstein Commission attempted to move towards a more integrated EEC by proposing an idea that would revise the CAP financing. Within the proposed reform, the Hallstein Commission intended to ensure the financing of the CAP from the community's own resources while providing a broadening of the competences both of the Assembly and the Commission. This way of linking the progress of the CAP to a more supranational institutional reform was perceived in France as a provocation. This attempt thus brought the EEC in a six-month crisis best known as the 'Empty Chair Crisis' (Massot, 2019), during which the representatives from France were prevented from participating in the works of the institutions, paralyzing for six months the EEC. As the crisis resolved through the agreement known as the 'Luxembourg Compromise' (which established a *de facto* veto power to every Member State on topics deemed to be of important national interests), the CAP was just lightly reformed.

As decades passed, and as price supports were introduced, farms became more productive. Around 1982 the supply of agricultural products was overflowing the market. Several measures were taken to slow down the European production in order to bring it closer to the market's needs, such as the 'milk quotas' (quotas on dairy production) and a ceiling on EU expenditure to farmers (Le Morvan, *et al*., 2019). These were improvements in order to manage the situation at the time.

The very first structural reform of the Common Agricultural Policy - known as the 'Mac Sherry reform', named after the then Agriculture Commissioner - happened in 1992. The reform was established at the same time as the General Agreement on Tariffs and Trade (GATT) Uruguay Round negotiations. Previous to the reform, farmers received subsidies to support high commodity prices and to allocate support payments based on the number of animals reared. This policy provided very high price supports compared with the world market prices, and that

inevitably led to the 1980s surpluses problems. In order to address the problem, the subsidies were scaled down and replaced with direct payments per hectare to farmers. The income losses resulting from the reduction in the guaranteed prices for arable crops were fully compensated by direct aid per hectare (Le Morvan, *et al*., 2019). Moreover, the fall in beef prices was offset by a headage payment. Environmental measures were also introduced at the time. The 1992 reform then traded a system of guaranteed prices with associated external protection against the new system of direct aid (Le Morvan, *et al*., 2019).

Some years later, in 1999, the Berlin European Council reached an agreement known as the 'Agenda 2000'. The Agenda 2000 provided that the next CAP reform would have focused mainly on 4 goals to achieve. The first goal would have been to align the EU prices with world prices. The second goal would have been to introduce environmental cross-compliance as a condition for granting aid. The third goal would have been to reinforce and accompany socio-structural measures, within a new rural development policy. The provisions of this third objective would thus form the so-called "second pillar of the CAP". The fourth and final goal would have been stabilizing the budget underpinned by a strict financial framework for the period 2000-2006 (Massot, 2019).

The 15 Member States that adopted the proposals of the 'Agenda 2000' asked the Commission to conduct a mid-term review in 2002. The mid-term review brought a new CAP reform in 2003. This reform introduced a new series of mechanisms and principles, in order to both anticipate the consequences of the new enlargement towards Eastern Europe and to take a position in the World Trade Organization (WTO) Doha Round negotiations.

The 2003 reform firstly introduced 'decoupling' of aid from volumes produced in order to make farms more market-oriented and to reduce market distortions (Le Morvan, *et al*., 2019). The payment structure put in place gave farmers a strong incentive and income support to increase livestock numbers and production. Moreover, this reform (known as Fischler reform) provided for a public redistribution of payment entitlements allocated to farms on historical bases through two mechanisms. The first mechanism is modulation, which allows funding to be transferred between the two pillars of the CAP to strengthen rural development. The second mechanism is a regional decoupling model that allows the harmonization of payments per hectare allocated according to regional criteria (Massot, 2019). On the other hand, the new CAP reform aimed for adherence to good environmental practices, statutory management requirements, and

compatibility with WTO rules. Another significant reform was the agreement to abolish milk quotas in 2015 (POB, 2018). In the end, from the existing 21 CMOs, a single common market organization (single CMO) was established by 2007 (Massot, 2019).

A CAP 'Health Check' was put in the calendar for the year 2008 in order to revise some measure of the 2003 reform. The Health Check provided for the fulfillment of decoupling of aid by moving them into the single farm payment scheme. It also provided for more flexibility into the rules for public intervention and control of supply in order not to have an adverse impact on the ability of farmers to react to market signals. The health check also included an agreement for the phasing out of milk quotas by 2015 (POB, 2018).

Meanwhile, as the Eastern enlargement significantly increased the number of decision-makers in all EU institutions and reduced the political weight of all the EU Member States, it also brought more heterogeneous preferences in the EU agricultural and food system. Moreover, on a global scale, the phenomenon of market volatility and food price shocks needed to be addressed. The instability and price shocks find their main causes in climate variability, in the cost of inputs, in the growth of world food demand compared to the capacity of supply, and in the trade policies of some large exporting countries. The EU found itself in a new and complex scenario, in which the role of agriculture became increasingly important both to the provision of public services and to ensure a perspective of sustainability for future generations.

Additionally, the 2008 global economic crisis and the subsequent euro crisis brought the EU Member States to live a growing pressure to reduce public expenditure, which made it difficult to sustain high levels of CAP expenditure (Roederer-Rynning, 2014). The food price increase has affected numerous producers' and consumers' interest groups in the EU, and it also influenced the decision making for the following CAP reform in 2013, especially within the debate on whether or not to re-introduce market regulations. For example, COPA COGECA (2011), which is the coalition of farmers and their cooperatives in the European Union, states that, notwithstanding high prices, farmers were the losers in this new economic situation. This was mainly due to market volatility, high input prices, and imbalances in the food chain.

In this context, the work carried out at the European level in the years following the 2008 economic crisis, especially by the Parliament, has been oriented towards formulating counter-proposals to the CAP reform project put forward by the European Commission. The counter-

proposals would adhere to the latest problematic context and would effectively respond to the new demands of the sector (Agricoltura Veneto, 2013). Additionally, the decision-makers faced numerous constraints in this particular period: pressures to reduce the budget for farm payments due to fiscal pressures and to the need of funding other EU policies; high agricultural prices; the demand from the new Central and Eastern Member States for a more equal distribution of direct payments; pressure for a return to market intervention and regulation to contrast market volatility; pro-producers claims to not impose constraints (especially environmental ones) on productions with high food prices; and possible WTO agreements that constrained market interventions (Swinnen, 2014).

In order to address these problems, a new reform was elaborated in those years: the 2013 CAP reform. As previously stated, global food prices and farmers' incomes are subject to high volatility. Therefore, business uncertainties and the environmental impacts of farming give are the main reasons today for the implementation of the reformed CAP (POB, 2018). Nowadays, the Common Agricultural Policy addresses more challenges than it originally did in the 1960s. Currently, it aims to ensure viable food production that will contribute to feeding the world's growing population; it sees in the climate change a major challenge; and it tries to look after the rural areas across the EU in order to keep their economy going (Directorate-General for Communication, 2017).

I.IV The 2013 CAP reform

A deepened analysis of 2013 CAP reform -and of the role played by the EP in it- is given in this last section of the chapter. This paragraph is the final piece of the background for the dissertation subject, as it focuses on the main features of the dissertation case study. This last reform of the Common Agricultural Policy is of key importance for the present dissertation subject, as it is the first one implemented through the Ordinary Legislative Procedure, enabling the European Parliament as a co-legislator on the matter. This newly acquired role enabled the EP to enter into interinstitutional negotiations with the Council and the Commission. Numerous scholars have studied how this change has affected the distribution of power between the European Parliament, the Commission and the Council, and how it affected the powers of the EP in its new role as co-legislator.

Academics such as Fertö and Kovacs (2014), Roederer-Rynning and Schimmelfennig (2012), Crombez and Swinnen (2011), and Greer and Hind (2012) share the views that the European

Parliament- after the entry into force of the Treaty of Lisbon- became more powerful in the legislative procedure for the 2013 CAP reform. Still, Fertö and Kovacs (2014) also claim that the EP is still far away from being considered an equal co-legislator with the Council, mostly due to capacity constraints. Greer and Hind (2012) states that the OLP may encourage reform by broadening the agricultural policy agenda. Roederer-Rynning (2010) vowed for this point of view, arguing that the use of the Ordinary Legislative Procedure in agriculture could bring new people into COMAGRI, the EP standing committee on Agriculture and Rural Development, which would make the CAP accountable to a wider constituency.

From a more critical standpoint, Crombez and Swinnen (2011) suggested that the introduction of co-decision may reduce the prospects for CAP reform if the EP is seeking a lower level of reform than the Commission. Likewise, Crombez, Knops, and Swinnen (2012) argued that co-decision may lead to no policy reform if the EP does not agree with the Council's official position. These positions are also verified by Greer (2013), who concluded that the 2013 CAP reform confirmed the highly 'conservative' nature of the CAP rather than introducing innovative ideas. Therefore, even if there is an overall consensus among scholars that see the EP as the 'winner' in this new institutional setting (Knops and Garrone, 2014), several constraints such as resource deficiency have offset its new role as co-legislator. It is also clear for the literature that there have been some policy changes, for example in the redistribution of budget between states, but these changes are relatively minor and not always coherent in terms of perspective on the objectives of the CAP (Swinnen, 2014).

In fact, the aims of the 2013 CAP reform are to promote competitiveness, sustainable farming and innovation practices, growth and jobs in rural areas, and to move financial support towards a productive use of the land. This reform set out the current framework for CAP 2014-2020, it consolidated the two pillars structure, it strengthened single CMO tools and it provided for a more integrated, targeted, and territorial approach to rural development. One key feature of the 2013 reform was the introduction of a mandatory "greening" payment to make producers more environmentally friendly. The greening payment is applied to 30% of total direct payments and it encourages the use of various practices that benefit the environment (Parliamentary Budget Office of the Houses of the Oireachtas, 2018; Massot, 2019).

It can be said that, in order to achieve these goals, the three institutions (Commission, EP, and Council) took more than three years. The 2013 CAP reform process can be divided into three

phases (Knops and Swinnen, 2014): the Agenda-setting phase, which lasted 18 months and that led to the publication of the Commission's proposal (from April 2010 to October 2011); the legislative deliberation phase, in which the European Parliament formulated the mandate to engage in trilogues and that lasted 18 months as well (from October 2011 to April 2013); the inter-institutional negotiation phase, which lasted 8 months (from April 2013 to November 2013). After the third phase, the two co-legislator approved at first reading the common text reached during the interinstitutional negotiations respectively on the 20th November 2013 (European Parliament) and on the 16th-17th December 2013 (Council). The reform relates to four basic regulations for the CAP: Direct Payments; the Single CMO; Rural Development; and Horizontal Regulation (Knops and Swinnen, 2014).

Regarding the Direct Payments, the regulation established to move from an allocation of the payments per Member States to a new scheme based on historical references. The new CAP 2014-2020 split the system of direct payments in several components. Despite many new features, the new CAP confirmed decoupling as the cornerstone of support: direct payments are to be decoupled from the quantity produced in 2014-2020, with the sole exception of a coupled support component which may not exceed 15% of the total ceiling and which will be, in any case, optional for Member States (European Commission (f), 2013). With the reform, Member States have also the possibility to transfer up to 15% of their national envelope for Direct payment to their envelope for Rural Development, thus shifting funds between the first and the second pillar. The reform also strengthens the criteria for defining active farmers by providing a list of businesses that are to be excluded from receiving Direct Payments, leaving out companies whose primary business activity is not agricultural. The new CAP 2014-2020 provides for a breakdown into seven new types of direct payments, compulsory or optional for the Member States, to be activated within percentages of the national ceiling (European Commission (f), 2013).

Table 1. 1 The seven types of direct payment

Types of Direct Payments	percentage of national ceiling
Compulsory direct payments for Member States	
Basic Payment Scheme	70% max
Greening Payments	30%
Young Farmers Payments	Up to 2%
Optional direct payments for Member States	
Redistributive Payment for the First Hectares	Up to 30%
Small Farmers Payments	10% max
ANCs and LFAs Payments	Up to 5%
Coupled Support Payments	Up to 15%

Table liberally inspired by Agricolura Veneto, 2013, page 30.

The most important type of Direct Payment is the Basic Payment Scheme (BPS) because only farmers who are entitled to the basic payment can access the other types of payment (with the exception of the coupled payments which are decoupled from the other payments). Member States dedicate up to 70% of their Direct Payments ceiling to BPS. Additionally, the regulation introduced 'greening payments', for which 30% of the available national envelope is allocated to farmers that provide environmental public goods and that respect good environmental practices such as maintaining permanent grassland, crop diversification, and ensuring and ecological focus area (for example trees, biotopes, field margins) of at least 5% of the arable area for farms with an arable area larger than 15 hectares (European Commission (f), 2013). A third compulsory direct payment is directed to young farmers. Member States grant an additional payment to young farmers to promote generational turnover. The additional payment is available for a period of five years maximum and is funded up to 2% of the national ceiling.

With regards to the optional direct payments, Member States have the right to use a redistributive payment for the first hectares up to 30% of their national ceiling and redistribute it to farmers on their first 30 hectares. A similar payment scheme is directed to small farmers, who can receive an annual payment by the Member States between 500 and 1250 euros. The total cost does not have to be more than 10% of the national envelope. A third optional direct payment scheme is directed to Areas with Natural Constraints (ANCs) and Less Favored Areas (LFAs), for which the Member States or regions can grant up to 5% of the national ceiling to areas with natural constraints. The last typology of direct payment is the voluntary coupled support, which Member State can give to maintain the current level of production in sectors or regions that undergo difficulties. These

payments are linked to specific products and are limited to 15% of the national ceiling (Agricoltura Veneto, 2013).

Regarding the second CAP regulation, market interventions are contained in a single proposal for a regulation, namely the Single CMO. The proposal for this regulation contains all the rules relating to the internal market, public intervention, private storage, aid schemes for certain sectors, marketing standards, producer organizations, and trade with third countries. The Single CMO is an operation of simplification and rationalization. An interesting element to note within the Single CMO concerns the production containment regimes used in Europe since 1984 (Ministero delle politiche agricole alimentari e forestali, 2019). In 2013, the CAP reform foresaw an end to the sugar quota regime while allowing for some adjustment time for the sector. Regarding the dairy sector, the milk quotas expired in 2015. Other amendments for the Single CMO aimed to improve the market orientation of European agriculture in a competitive world market while providing it an improved system of public intervention and private storage aid as a safety net against external uncertainties. Moreover, new safeguard clauses have been introduced for all sectors in order to respond to general market disturbances with emergency measures enabled by the Commission and funded by a Crisis Reserve (€ 2.8 billion in the 2014-2020 period), automatically funded each year through an *ex-ante* deduction of direct payments. The possibility of recognizing producer organizations has been provided for and a legal framework has been established to provide greater incentives for the aggregation of supply and collective bargaining power in order to give greater weight and centrality to farmers at the time of bargaining within their respective supply chains (European Commission (f), 2013).

With regards to Rural Development policies, the EU allowed its Member States and regions to continue to organize their own multi-annual programs. This was possible on the basis of different measures available at the EU level (as different needs of their rural areas demand). Furthermore, the Rural Development policies are co-funded from national envelopes. Thanks to the reform, it will be also up to the Member States and the regions to decide which measures to use in order to achieve targets for six priorities, such as: fostering knowledge transfer and innovation; enhancing competitiveness and the sustainable management of forests; promoting food chain organization; restoring, preserving and enhancing ecosystems; promoting resources efficiency and the transition to a low-carbon economy; promoting social inclusion, poverty reduction and economic development in rural areas (European Commission (f), 2013). The new rural development policy has been developed in close coordination with other policies. At the EU level, it was developed

in a common strategic framework, while at the national level it was developed in partnership agreements covering aid and Structural Funds. In the new programming period, Member States or Regions also had the possibility to develop thematic sub-programmes to better focus on specific needs such as young farmers, small farmers, mountain areas, women in rural areas, mitigation of climate change, biodiversity, short agri-food chains (Agricoltura Veneto, 2013).

Finally, regarding Horizontal Regulation, the 2013 CAP reform provided for control requirements to be lowered in regions where previous checks have shown good results. Moreover, payments such as all direct payments and certain rural development payments are linked to the respect of different criteria to meet relating the environment, climate changes, good agricultural conditions of land, humans, plants, and animals' health standards and welfare (Agricoltura Veneto, 2013). According to the reform, Member States have to offer advice to farmers on a very large list of issues that covers, beyond cross-compliance, the green direct payments, the conditions for maintenance of land eligible for direct payments, the Water Framework and Sustainable Use of Pesticides Directives, as well as certain rural development measures. Moreover, Member States have to provide full transparency of all beneficiaries, with the exception of small farmers eligible for the Small Farmers Scheme. Finally, according to the reform, the Commission has to present a report on the performance of the CAP with respect to its main objectives (Agricoltura Veneto, 2013).

II. Theoretical Framework

II. I The Principal-Agent theory and its literature

In the present dissertation, the *Principal-Agent (PA) model* composes the theoretical framework for the study of the thesis's subject: the *discretion* of the EP negotiating team during trilogues. The Principal-Agent theory allows academics to understand the dynamics created between actors who delegate their authority to perform a particular task (the Principals) to other actors -the Agents (Brandsma and Adriaensen, 2017). In this study, the agent is the EP negotiating team, while the principal is the European Parliament. The term *discretion* in this research is to be defined here as the room of manoeuvre of the agent in its relationship with the principal.

The PA model reduces the relationship complexity among actors. The Principal and the Agent are linked to each other through a contractual relationship, which can be formal or informal; however, this relationship needs a clear act of delegation in order to exist (Delreux and Adriaensen, 2017). The PA model allows scholars to examine two issues. The first issue is about the logic and the design of authority delegation from the principal to the agent, known as the *politics of delegation*. The second issue concerns the consequences of the delegation in terms of the agent's discretion and about the consequences of this autonomy. Therefore, in the present research, this so-called *politics of discretion* is taken under study. The aim of this section is threefold: it describes the historical development of the Principal-Agent theory from the economic sector to the study of the EU; it explains what delegation is according to the literature, and it shed a light on the factors that influence agent's discretion according to PA researchers.

Historically speaking, The PA model was first used in the field of economics during the 1970s (Berhold, 1971; Ross, 1973; Jensen and Meckling, 1976). For instance, in some of the first articles (Spence, 1971; Zeckhauser, 1971), PA theory became essential to understanding the effects of information asymmetries in the study of insurance contracts, when the agent has more information than the principal and takes advantage of this situation by going against the principal's preferences. The application of PA theory was extended during the following decades, as it is shown in Itoh's work (1994), who analyzes how tasks are assigned among actors in a corporate business. Using the framework of the principal-agent model with moral hazard, he demonstrated that, due to an incentive consideration, the principal allocates numerous tasks to an agent rather than hire multiple specialized agents. Moreover, the principal may 'choose to delegate all the tasks in order to mitigate a conflicting incentive problem with agents' (Itoh, 1994).

From the field of economics, this theory has allowed scholars new insights into the role of information asymmetry and incentives also in political relationships, such as in the analysis of the American Congress (Miller, 2005) and the legislative delegation from the Congress to regulatory agencies and courts (Epstein and O' Halloran, 1999). A key issue in this field was the extent to which electoral control constraints not only congressmen but also bureaucrats. In this field of PA theory, Calvert, McCubbins, and Weingast (1989) state that executive agencies operate with considerable independence from elected officials, but, in the end, the choice of policy is traceable entirely to the preferences of elected officials.

During the last decade, the Principal-Agent theory started to be applied also to the analysis of interactions between states and International Organizations (IOs). For example, Elsig (2011) studies the World Trade Organization (WTO) within a principal-agent framework. In his work, he introduces concepts such as 'complex agent' -to define the variety of actors that comprise an international organization- and the one of 'missing delegation', used both to analyze the weakening role of the WTO Secretariat in trade negotiations over time and to study why further delegation to the WTO civil servants appears difficult (Elsing, 2011).

Furthermore, thanks to the work of Mark Pollack (1997), the Principal-Agent theory was applied to EU studies. In a later contribution to this long-going literature, Pollack himself (2007) defends the principal-agent approach against different 'red herrings' which he puts into three categories. The first one involves criticisms that arise from a misunderstanding of part or of all of the basic principles of the principal-agent theory. The second category makes a difference between 'agents' and 'trustees'. The third category critiques the PA model on empirical reasons, especially on its failure to predict correctly the reasons and conditions under which delegation happens and the reasons why agents enjoy discretion and influence. These critics are important in his article because- Pollack notes this- the major sources of these critiques come from 'European Union (EU) studies and international relations' (Pollack, 2007).

Nowadays a significant body of literature applies the Principal-Agent model to study either specific EU institutions – such as the Commission, the European Parliament (Hix, Noury and Roland, 2007; Mühlböck, 2012; Delreux and Laloux, 2018), and the European Central Bank (Elgie, 2002) – or to analyze certain EU policies – such as its economic governance (Hodson,

2009), EU trade policy (Da Conceiçáo-Heldt, 2010) or the EU foreign policy (Dür and Elsing, 2011).

As far as it concerns the application of PA theory in the study of the Commission, this branch of study is certainly the most prolific one (to cite some of them: Franchino, 2000; Dunlop and James, 2007; Da Conceiçáo-Heldt, 2010; Dür and Elsig, 2011; Sobol, 2016). Certainly, numerous scholars face the topic of agent discretion. The dissertation makes therefore a short presentation of what this branch produced around the concept of agent discretion, as it is the topic of the present research.

There is no consensus in the literature as to a unique definition of agent discretion. One branch stands for a clear-cut distinction between discretion and autonomy, where the first is limited to the room of manoeuvre as determined in the act of delegation, while the latter is the discretionary space in post-delegation politics (Hawkins et al., 2006). However, another branch brought forward by Da Conceiçáo-Heldt (2010) asserts that the boundary between the degree of discretion and autonomy enjoyed by agents is rather subtle. In the present dissertation, the term *discretion* is to be defined as the room of manoeuvre of the negotiating team, a definition that coincides with that of Delreux and Adriaensen (2019), for whom discretion is the "leeway enjoyed by the agent in the execution of its delegated task".

Delegation mostly occurs because a principal considers it efficient and beneficial to delegate its authority to an agent. The benefits are numerous: delegation can reduce transaction costs and increase the principal credibility when the authority is left to a more expert and independent agent (Pollack, 2003; Majone, 2001; Epstein and O' Halloran, 1999). An agent can execute different functions beneficial to its principal, such as monitoring and addressing a collective action problem, solving problems of incomplete contracting; provide expertise and independence to its principal and therefore more credibility; setting the agenda and being blamed for unpopular choices (Pollack, 1997; Delreux and Adriaensen, 2017; Garret, 1992). In his study of the relation between the Commission (the agent) and the EU Member States (the principals), Majone (2001) asserts that there are two kinds of delegations that are put in place in most principal-agent relationships. In the first type, the preferences of principals and agents should be as similar as possible, while the delegation is structured so as to minimize bureaucratic drift and slippage. However, he states that an agent that simply carries out its principal's directives risks losing its principal credibility. Therefore, the second typology of delegation implies that the agent should

be independent, even though this independence can vary with the seriousness of the credibility problem (Majone, 2001).

On the other side, there are typically two costs that delegation can generate: moral hazard and adverse selection, which are based on the opportunistic behavior of actors. Based on this, Braun and Guston (2003) assume that actors are self-interested and try to maximize their personal benefit even by 'cheating'. In the case of the principal-agent model, such 'cheating'- commonly known in PA literature as *shirking*- happens because the agent generally has an information advantage vis-à-vis the principal (known as *information asymmetry*). According to this logic, the principal does not know if the agent will abide by its duties when delegated certain tasks ('moral hazard'), and the principal does not have sufficient information on the skills of possible agents to find the one best suited for the job-leading to an 'adverse selection' (Braun and Guston, 2003). It is important to point out that several scholars draw a clear line between the definition of agent shrinking and the definition of agency discretion. Discretion for them is the range of independent action available to an agent and that the agent itself can use to benefit or undermine the principal, while agency slack is actual behavior that is undesired (Hawkins et al., 2006).

Principals have several tools at their disposal to control the agent and thus reduce these problems. These control tools can be divided based on when they are used: prior to delegation or *ex-ante* (i.e. selection of agents, screening, and definition of mandate), during the policy process or *ad locum* (i.e. monitoring and reporting requirements, police patrol and fire alarm), and at the end of a policy cycle or *ex-post* (i.e. sanctioning, non-acceptance of agreements). Concerning the *ex-post* control, the principal may try to build up its authority by threatening the agent with sanctions from misconduct, which should lead the agent to comply. Nonetheless, one of the main problems for principals is the cost of control, which require them to aim to a balance between agency losses and control costs (Dür and Elsig, 2011). Delegation and control by principal go hand to hand, therefore the room of maneuver, the discretion left to the agents is limited. Different agents enjoy different levels of discretion. Some agents can act autonomously, while some agents are under strict control from their principals (Hawkins et al., 2006).

As stated above, principals decide to delegate authority to an agent, especially during negotiations. This happens because the delegation itself is beneficial to principals (Pollack, 2003), but this generates also costs for the principals. Therefore, the principal has to activate control mechanisms in order to prevent or mitigate those costs, while the agent tries to conquer more

autonomy from the principal. As Delreux (2009) stated, “a principal–agent decision-making process is characterized by a continuous assessment of the costs and benefits of both delegation and control by the principals”. Consequently, discretion is the result of this assessment, as it is “granted by the principals and conquered by the agent” (Delreux, 2009). This latter definition amplifies that given by Delreux and Adriaensen (2017), giving to the notion of *discretion* an ampler meaning: *discretion-which is granted by the principal in the first place- is the margin of manoeuvre conquered and enjoyed by the agent while executing its delegated task.*

Furthermore, Delreux and Adriaensen (2017) argue that there are two ways in which the principal can affect the agent’s discretion: thanks to the amount of authority given through delegation, and to the establishment and pursuit of control mechanism. Indeed, the non-pursuit of control mechanisms by the principal can lead to two consequences, either agency slack, either effective control due to the agent’s worry of eventually being sanctioned (Weingast and Moran, 1983; Kroll, 2017; Reykers and Beach, 2017).

Nonetheless, discretion is also the result of the agent's behavior, as it can gain additional autonomy from its mandate notwithstanding the action of the principal and its decisions to control. The agent’s actions can be interest-induced or structure-induced (Delreux and Adriaensen, 2017). Interest-induced actions are strictly related to the concept of agency shrinking, as the agent is moved by self-interest in behaving undesirably from the principal's mandate, but it also incorporates agent's actions that are aimed to loosen the principal's propensity to control the agent's operate, for example by altering the principal's preferences. Regarding the structure-induced agent actions, it can be said that the context in which the agent performs a task can have an influence both on the agent’s behavior and on its relationship with the principal, and therefore its discretion (Delreux and Adriaensen, 2017). Plank and Niemann (2017) study the structure-induced agent actions, arguing that agent discretion is largely based on these kinds of actions. They assume that the specific context of a policy domain might require a high degree of urgency and complexity, which in turn require a high degree of flexibility for the agents, while also third parties behavior can pressure the agent to negotiate beyond its mandate (Plank and Niemann, 2017; but also Delreux, 2009; Delreux and Kerremans, 2010).

As previously stated, in the last decade, PA theory focused on the study of the EU Commission acting as an agent for the EU Member States. On this topic, numerous scholars focused on the analysis of agent discretion and on the factors that influence such discretion. Billiet (2009)

analyzes the Commission's influence and autonomy in the EU external trade policy as the agent of the EU Member States. The analysis is presented through a case study of intellectual property rights disputes within the WTO. Billiet (2009) studies if the Commission as an agent might has more room of manoeuvre from the Member States in 'strong' institutional settings such as the WTO's dispute settlement system. Nonetheless, his work suggests that the impact of this external institutional framework is not taken into consideration enough by the PA model. Talking about the influence of context, Niemann and Huigens (2011) examine the role of the Commission in the Group of Eight (G8) framework. They assert that the Commission in the G8 context experiences a different kind of delegation since the principal-agent relationship is framed in a setting of informality. There the Commission, acting as the agent, managed to emancipate itself vis-à-vis those EU member states that are full participants in the G8 over time. This was possible thanks to numerous elements, especially the flexibility and informality of the context and the Commission's growing competencies as entrepreneur. Additionally, EU Member States incentivize the Commission's growing emancipation by increasingly relying on its abilities, while the Commission itself was able to manipulate those incentives from the Member State in its favor (Niemann and Huigens, 2011).

In a similar manner, Delreux and Kerremans (2010) argue that agents are able to weaken the principals' incentives to control. In an international negotiating setting, the agents can strategically make use of those control mechanisms established by the principals, weakening the control incentives to prevent involuntary defection and a loss of credibility in front of possible negotiation partners (Delreux and Kerremans, 2010). Similarly, a previous Delreux work (2009) analyzes the EU agents discretion in international environmental negotiations vis-à-vis the EU Member States, asking what conditions determine this agent(s) autonomy, concluding that the compellingness of the external environment is a key factor in explaining the incidence of discretion for the EU negotiator (but also in Delreux et al., 2012). Da Conceiçáo-Heldt (2011) also analyses the discretion of the agent (once again, the Commission) in international negotiation settings, in that case, the WTO Doha Round. In the end, her article shows that preference heterogeneity, a vague mandate, and conflicting messages from principals allowed the agent for more discretion at the international level (Da Conceiçáo-Heldt, 2011).

More recently, Gastinger and Adriaensen (2019) study the Commission level of discretion when negotiating Free Trade Agreements such as the Transatlantic Trade and Investment Partnership (TTIP). In this study, Gastinger and Adriaensen (2019) account for multiple principals, this time

the Council and EP as 'proximate principals' and the citizens as the 'ultimate principal'. They measure agency discretion through 'interest in a decision' by principals. Their results suggest that, in this case, the Commission has less room of manoeuvre in the negotiations than it was shown in previous works: the Council oversees every aspect of the negotiations, while the EP and the EU citizens are 'more selective in their attention' (Gastinger and Adriaensen, 2019). They also find significant overlap between the EP and citizens, suggesting that 'citizens influence the Commission indirectly by blowing the whistle on the EP, [while] the Council is best conceived of as a police patrol' (Gastinger and Adriaensen, 2019).

To sum the findings of these last scholars, the common thread that binds these works is one: what factors influence agency discretion. For Majone (2000), agent discretion can be influenced by a preference homogeneity between principals and agents. For Da Conceiçáo-Heldt (2011) is the other way around, as preference heterogeneity, a vague mandate, and conflicting messages from principals allow the agent for more discretion. For some scholars, the setting in which agents are found has a major impact on its discretion (Billiet, 2009; Delreux, 2009; Niemann and Huigens, 2011; Delreux et al., 2012). For other scholars, the agent itself is able to weaken the principals' incentives to control, thus gaining more discretion (Niemann and Huigens, 2011; Delreux and Kerremans, 2010).

Moreover, other factors can influence an agent's discretion. For example, factors such as expertise and entrepreneurial capacities of the agent, the strategical use of principal's control mechanisms by agents, the composition of the agent if it is the case of a collective agent, and information asymmetry can all have an influence on the level of autonomy of the agent. This is further analyzed in section three of this chapter.

II.II The Principal-Agent literature applied to trilogues: the EP relation with rapporteurs/negotiating team

Following the Ordinary Legislative Procedure, the three EU institutions involved saw fit to use trilogues. In these trilogues, since 2012, the European Parliament is represented by a negotiating team composed by the rapporteur(s)- who take the lead- and the shadow rapporteurs from each political group. The team is presided over by the Chair (or Vice-Chair) of the responsible committee(s) for the matter discussed. The relationship that links the EP to its negotiating team is a Principal-Agent relation, as the two actors are linked through a written mandate enabling the team to negotiate on behalf of the entire Parliament. Therefore, the PA link between the EP and

its negotiating team (as a whole) is based on two acts of delegation. Firstly, the negotiating team is delegated with the authority to represent its principal in interinstitutional negotiations. The second act of delegation provides for the team to have the delegated authority to negotiate a deal with its counterparts during trilogues.

It can be said that the Principal-Agent relationship that links these two actors quite peculiar. In the study of Obholzer, Hurka, and Kaeding (2019) they claim that this link is characterized by a 'chain of delegation'. This concept allows for simultaneously considering multiple dyadic principal–agent relations that are linked to each other (Delreux and Adriaensen, 2017). In particular, this chain of delegation runs from the plenary to the responsible standing committees, which in turn delegates to individual rapporteurs the tasks of representing the EP in trilogues and to negotiate a compromise with the other institutions. Therefore, by following the logic of the chain of delegation, in the setting of trilogues, the negotiating team is the agent, while the European Parliament is the principal giving the mandate to negotiate for its part. In between the principal and the agent, it stands the EP responsible committee, which is the junction that controls and monitors the work of the negotiating team (the agent) on behalf of the Parliament-Principal.

In this new framework, the EP negotiating team allows all political groups of the EP to be present within the negotiation, and not only the rapporteur, as it was before the 2012 reform. Nonetheless, due to the fact that rapporteurs are still perceived as the major EP actor in trilogues (Brandsma, 2015; Reh, 2014), numerous scholars tend to apply the Principal-Agent model to study the relationship between them and the EP. For example, Obholzer, Hurka, and Kaeding (2019) adopt a principal-agent perspective to analyzes the extent to which the selection of a rapporteur is associated with potential agency loss. As it has been stated in the previous paragraph, Obholzer, Hurka, and Kaeding (2019) claim that the concept of the 'chain of delegation' is key to understand the relationship between the EP and its agent. In their analysis, the reader can distinct two chains of delegation. The first chain- presented in the previous paragraph- runs from the plenary to the responsible committees to individual rapporteurs representing the EP during trilogues. In the second chain of delegation, the rapporteur also plays the part of the agent of his or her party group, while the party group coordinators are the key intermediaries between the agent-rapporteur and the principal-party group. Since rapporteurs enjoy a clear informational advantage due to their privileged access to information and resources, agency loss can potentially take place in both chains of delegation (Obholzer et al, 2019). This chain of delegation can also be applicable to the case studied in the present research project, as it runs from the EP plenary-Principal to

COMAGRI, which in turn controls the EP negotiating team-agent in trilogues during the 2013 CAP reform.

Thierse (2017) on his part tries to understand under what conditions rapporteurs are really able to exert influence, as they have been described as 'agenda-setters' (Hix et al., 2007), 'formateurs' of successful voting coalitions and 'legislative entrepreneurs' (Benedetto, 2005). He studies this by using a comprehensive approach that comprehends PA theory and the multiple streams framework (MSF). The results concluded that rapporteurs are not the exclusive policy entrepreneurs within the EP, but rather, their agenda-setting powers can be limited by other actors (Thierse, 2017).

When delegating, the principal expects its agent both to reach an agreement with the other agent and to represent its institution during negotiations. In both these tasks, the agent has to implicitly deviate from its mandate, but delegation also puts limits on the agent's deviation. This raises the question for Laloux and Delreux (2018) of how much negotiators deviate from the mandate of the co-legislator they represent in trilogues. According to them, deviation by an agent is 'defined as the distance between the initially expressed position of the principal and the final outcome delivered by the agent, irrespective of its sources or reasons. In other words, deviation is simply the difference between what the principal asks and what the agent delivers, without any other consideration' (Laloux and Delreux, 2018). In this sense, deviation is related to slack, but it differs from it at least in two ways. Firstly, an agent's opportunistic behavior is not necessarily the cause for agency deviation, but it can be induced by other factors such as the pressure to compromise. Secondly, deviation is not entirely undesired by principals as slack is, as they know that deviation is unavoidable (Laloux and Delreux, 2018). In their study, even though the EP is formally represented by a 'negotiating team', the rapporteur is considered the EP's agent (Laloux and Delreux, 2018). The study's findings show that 'there is more deviation in the principal-agent relationship in the EP than in the Council' (Laloux and Delreux, 2018). Similar conclusions are also drawn by Broniecki (2018) in his study of delegation by the Council and the European Parliament to their representatives in trilogues.

Rasmussen (2011) tests whether first-reading deals are actually more likely to occur as a consequence of trilogues when the agents of the EP (the rapporteurs) have policy positions that deviate from those of the EP as a whole. Her results show that, when 'EP rapporteurs are delegated the responsibility to make first-reading deals in an unconstrained institutional environment with

a lack of transparency, their chances of doing so are relatively low precisely in those circumstances where agents are selected who might be under pressure to abuse this room for manoeuvre. […] The EP reduces some of the risks of delegation by avoiding adverse selection and appointing rapporteurs who are not under pressure to act irresponsibly because their preferences do not substantially deviate from the EP's median position' (Rasmussen, 2011).

Even though the study of this strand of Principal-Agent literature mostly focuses on the relationship between the EP and rapporteurs, there is not a lack of authors who have analyzed the negotiating team as an agent of the European Parliament. Delreux and Laloux (2018) are such authors. For them, the agents in trilogues (in this case, the negotiating team for the EP and the representatives of the Council) execute two tasks on behalf of their principals, as they both represent their institution in interinstitutional negotiations and act as a deal-facilitator. As it is, in the case of trilogue negotiations, a failure of the negotiations would come with considerable prestige and reputation costs for the agent. According to them, there are three ways in which agents can overcome possible constraints from their principles during trilogues. Firstly, they can create a 'hand-tied' situation like the one predicted by Putnam (1988) in his two-level game, yet in such a way that it reflects their own preferences. Secondly, they can actively search for signals from principals and fellow agents on the zone of possible agreement (ZOPA) (Spangler, 2003). Finally, they can affect coalition formation between the principals by bringing in allies (Delreux and Laloux, 2018). Even in this study, the characteristics of the institutional setting in which the agent executes its tasks are important to understand the level of one agent's discretion. This is a factor that many Principal-Agent scholars have analyzed (Billiet, 2009; Delreux, 2009; Niemann and Huigens, 2011; Delreux et al., 2012). Most importantly, the contacts among the intra- and inter-institutional negotiation contexts are crucial to comprehend legislative policymaking in the EU today. In this sense, the agents, who play both arenas, are the link between intra- and inter-institutional negotiations (Delreux and Laloux, 2018).

Laloux (2017) considers the EP negotiating team(s) as collective agents, a "subset of its principal," composed of several MEPs who are collectively delegated by the responsible EP committee(s) to negotiate with the Council representatives in trilogues. As collective/plural principals have been analyzed in the PA theory literature, also the concept of collective agents has been present for some time, even though with different terms (Nielson and Tierney, 2003; Elsig, 2011; Graham, 2013). Three qualities must be met in order to define an agent as collective: the collective agent 'must be linked by a single contract with the principal; he must be composed

of more than one actor with different preferences who are collectively responsible for executing the delegated task; there must be a diffusion of authority between the actors composing the agent' (Laloux, 2017). The EP negotiating teams fulfill all three criteria. Furthermore, the 2012 reform of the EP Rules of Procedure allowed for all political groups of the EP to be present within the negotiation, and not only the rapporteur. Given these premises, the negotiating team was designed as an agent mirroring the principal's structure, allowing for a decrease in information asymmetry, and giving the opportunity to the different voices to be heard. This mirroring structure of the agent, allowing for all political groups to be represented, decreases both the risk of biased outcomes and the level of control by the principal throughout the process (Laloux, 2017).

As it can be seen, even though the PA theory literature related to the study of the European Parliament focuses on the relationship between the EP and its agent, this literature is still scarce on the subject of the trilogues, and especially limited on the topic of the relation between the EP and the negotiating team during trilogues. However, this literature provides a solid basis for the present research in many ways. It highlights the multiple dyadic relations that can appear within the European Parliament, thus explaining the complicated Principal-Agent relationships involving the EP plenary, its committees, its political groups, and the negotiating team. It also explains the reasons why agents deviate from their mandate and what limits are present to control these deviations. These discussions have a major impact on this dissertation, as it deeply studies the relationship between the EP and its negotiating team and the subsequent issues of agency discretion of the team during trilogues for the 2013 CAP reform. Thus, this theoretical excursus on the PA theory applied to the study of the relationship between the European Parliament and its negotiating team was deemed necessary, even though the literature is still incomplete.

II.III Propositions

After having laid down the historical and theoretical background of this research subject, the dissertation now has the task of answering the following question: *how to explain the level of discretion enjoyed by the EP negotiating team in the informal trilogues for the 2014-2020 CAP reform?*

As it has been seen in the previous sections, several factors appear to influence the level of discretion of the agent in its relationship with the principal, such as information asymmetry, diverging preferences among a plural or collective principal (thus formed by different principals), preference homogeneity, expertise and entrepreneurial capacities of the agent, the strategical use

of principal's control mechanisms by agents, the composition of the agent, the setting in which the agent operates. However, the present dissertation chooses to analyze the influence of just two of them: the first one is the composition of the agent; the second one is the context in which the agent operates. The choice fell on these two variables because, in addition to having likely played a key role during the 2013 CAP reform, they have not been thoroughly analyzed by the literature, but only by a few respected authors (such as Laloux, 2017; Elsig, 2010, Delreux and Adriaensen, 2017; Plank and Niemann, 2017). Therefore, it would be of scientific interest to expand this branch of literature and to determine whether these variables can be applied to the study of the subject of the present thesis.

As previously stated, the EP negotiating team is a collective agent (Laloux, 2017), composed of several MEPs who are collectively delegated by the principal to negotiate in trilogues. As collective/plural principals have been analyzed in the PA theory literature, also the concept of collective agents has been present for some time, even though with different terms. For example, Nielson and Tierney (2003) define a collective principal as composed by more than one actor but linked to the agent by a single contract. Drawing on this definition, Elsig (2010) applies a similar consideration to the study of 'complex agents'. According to this scholar, an agent is described as complex when it is composed of numerous actors linked to a principal by a single contract. Additionally, Graham (2013) draws a line between two kinds of agents: collective and unitary. She argues that within a collective agent, "authority is dispersed across actors" (Graham, 2013).

As noted by Laloux (2017), in the case of the relationship between the EP and its negotiating team, the composition of the negotiating team mirrors that of the principal, as each political group is represented either by the rapporteurs or shadow rapporteurs, while the committee Chair or Vice-Chair presides over the team as a more neutral actor. Since the rapporteurs and shadow rapporteurs come from different political groups and represent different preferences, the negotiating team is both a collective and fragmented agent. Different scholars believe that delegation to such an agent is negative for the principal (Bendor et al, 2001; Elsig, 2010; Graham, 2013), as it may inhibit control mechanisms by the principal, while the agent may act opportunistically or even not function at all. Nonetheless, the EP decided through the 2012 reform to delegate its authority to the negotiating team. This was deemed necessary to reduce the empowering of the rapporteur during trilogues, and especially the empowering of the rapporteur's political group (Laloux, 2017). In this scenario, all political groups are then represented by

rapporteurs and shadow rapporteurs. Hence, different preferences and points of view are heard during negotiations, making trilogues more inclusive.

Consequently, the mirroring composition of the agent allows for a decrease in information asymmetry between the negotiating team and its responsible committee. The agent's mirroring composition in turn allows for a decrease in the risk of biased outcomes. Previous to the 2012 reform, rapporteurs could push forward their political group agenda during negotiations (Yoshinaka et al, 2010), but as the reform allows different preferences to be heard, the risk of biased outcomes decreases notably. The mirroring composition of the agent also allows for a decrease in the level of control by the principal throughout the interinstitutional tripartite meetings, as the EP acknowledges the need for having an informal space to negotiate, outside full transparency and control (Bunyan, 2016). Finally, since the EP agent became a collective one mirroring the committee composition, the reform allows more room of manoeuvre for the agent. Therefore, a first proposition can be made.

Proposition 1: the EP negotiating team did have a high level of discretion because its composition mirrors that of its responsible committee.

Discretion can also be acquired by the agent through its own actions, independently from the principal's decisions to control. The agent's actions can be interest-induced or structure-induced (Delreux and Adriaensen, 2017). As it has been stated in section I of this chapter, interest-induced actions are strictly related to the concept of agency shrinking, but they also incorporate agent's actions that are aimed to loosen the principal's propensity to control. Regarding the structure-induced agent actions, the context in which the agent performs a task can have an influence both on the agent's behavior and discretion (Delreux and Adriaensen, 2017).

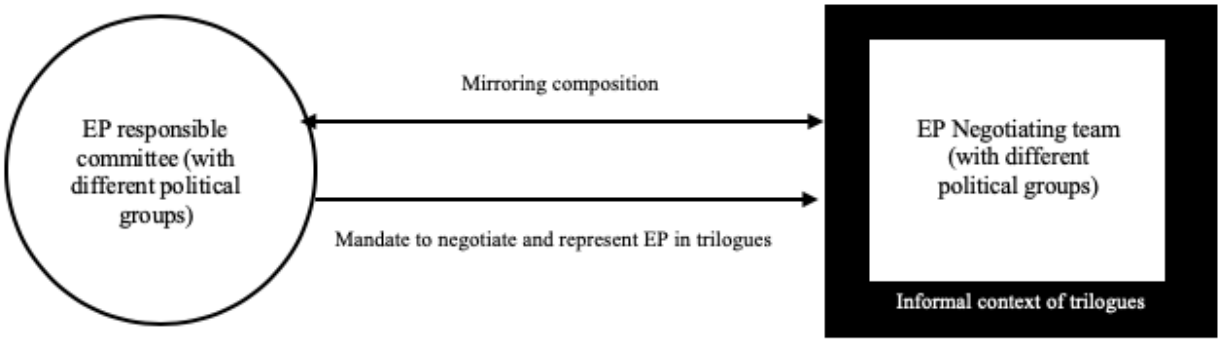
In the last decade, some EU studies have analyzed the structure-induced actions of the agent. According to this academic branch, the level of agency discretion may be influenced by external factors that are not experienced by the principal (Delreux et al., 2012). Such factors relate to the characteristics of the institutional setting in which the agent executes its tasks, such as its level of informality, flexibility, or strength (Billiet, 2009; Delreux and Kerremans, 2010; Delreux, 2011; Niemann and Huigens, 2011). Agents may use the characteristics of the setting in which they work as leverage against principal's control, thus gaining more discretion. Furthermore, the agent in such contexts may be pressured by external factors to negotiate beyond its mandate in order to

facilitate compromises (Delreux and Adriaensen, 2017). Plank and Niemann (2017) study the structure-induced agent actions, arguing that agent discretion is largely based on these kinds of actions. They assume that the specific context of a policy domain might require a high degree of urgency and complexity, which in turn require a high degree of flexibility for the agents.

Within the relationship between the EP and its negotiating team, the latter represents the European Parliament position during trilogues. Since trilogues are 'informal tripartite meetings' between the EP, the Commission and the Council, the influence of this informal context on the negotiating team's discretion can be further analyzed. Within the case of the 2013 CAP reform, the institutions had the need of closing the negotiations and to vote by the end of the Irish Presidency. Therefore, there was a high degree of urgency. Moreover, the reform was divided into four regulation, making the negotiating process even more complex and time-consuming. Additionally, the context pressures are only felt on the agency side of the PA relationship, as its principal is not directly involved in trilogues negotiations and it is thus excluded from the context affecting the agent actions in fulfilling its tasks (Plank and Niemann, 2017). These specificities of the context of the 2013 CAP reform thus require a high degree of discretion for the negotiating team. Therefore, a second proposition can be formulated.

Proposition 2: the informal context of trilogue negotiations led the EP negotiating team to achieve a high level of discretion vis-à-vis its responsible committee's mandate.

Fig. 2. 1 Visualization of the Principal-Agent relationship and the two influencing factors in this relationship (original figure, inspired by Laloux, 2017)



III. Methodology

This chapter is reserved for the development of the research method of the dissertation, in order to shed a light on its research question. In Chapter II, two propositions have been made regarding the factors that could explain the level of discretion of the EP negotiating team during the 2013 CAP reform trilogues. One proposition focuses on the composition of the EP negotiating team (‘*the EP negotiating team did have a high level of discretion because its composition mirrors the one of its responsible committee’*), while the second is based on the effects of the context of trilogues (‘*the informal context of trilogue negotiations led the EP negotiating team to achieve a high level of discretion vis-à-vis its responsible committee’s mandate’*).

The present research is a qualitative project selecting one case study- the 2013 CAP reform- that can be examined in detail and that can bring deeper meaning to the subject of the dissertation (Mahoney and Goertz, 2006; Creswell; 2014, Panke, 2018). The qualitative method of research is often used to explain the outcomes of individual cases (Mahoney and Goertz, 2006) and to analyze novel research questions- such as the one in the present master thesis- ‘as data are not available or cannot be gathered from a large number of observations’ (Panke, 2018). Regarding the single case study, Dyer and Wilkins (1991) argue that these kinds of case studies are ‘better than multiple cases because a single case study produces extra and better theory’. If a single case study is used, a scholar ‘can question old theoretical relationships and explore new ones because […] a more careful study is made. This makes also the researcher to get a deeper understanding of the subject’ (Dyer and Wilkins, 1991; Gustafsson, 2017).

This single case study has been selected as it is a *typical case study*. In the definition given by Seawright and Gerring (2008), a typical case study exemplifies a stable, cross-case relationship. Since a typical case is clearly defined by an existing model, the puzzle of interest to the researcher lies within that case itself. In fact, a scholar wants to find a typical case in order to better explore the causal mechanisms at work in a general cross-case relationship (Seawright and Gerring, 2008). According to this definition given by Seawright and Gerring (2008), the present case study can be defined as typical because it explores the causal pathway that links the discretion of the EP negotiating team to variables such as the composition of the agent and the context in which the agent itself operates. These variables are defined by already existing models, such as the one created by Laloux (2017) regarding the influence of the EP negotiating team’s composition on its autonomy, or again the one created by Plank and Niemman (2017) regarding the impact of the context in which the agent operates on its discretion. Therefore, by this logic, the present case

study is typical because these links have been previously analyzed and validated in other frameworks, and it is deemed necessary to investigate if these patterns can be supported by the case's findings. Usually, a typical case study is an exemplification of the links between independent and dependent variables, and by that, a scholar can better explore the causal mechanisms behind these relations. In fact, 'if an existing theory suggests a specific causal pathway, then a scholar may perform a pattern-matching investigation, in which the evidence at hand in the case is judged according to whether it validates the stipulated causal mechanisms or not. Otherwise, the researcher may try to show that the causal mechanisms are different than those that had been previously stipulated' (Seawright and Gerring, 2008). This applies to the present case study, as it takes into consideration the already-analyzed links between agency discretion-context of the negotiation and between agency discretion-composition of the agent, and it tries to understand the causal logic behind them. This can also be defined as a typical case of EP negotiation in trilogues because it follows the same rules of any EU tripartite negotiation, such as the employment of a negotiating team that reflects the composition of the EP, the appointment rules of both rapporteurs and shadow rapporteurs, the obligation for the EP team to report back the development of the trilogues to the responsible committee, negotiating rules such as an allocated speaking time for each party involved in the negotiation, and the use of more informal meetings outside the context of the trilogues. Several of these elements are thoroughly analyzed in the following chapters, as they show how this case study is related to other cases of trilogues.

To test the propositions previously made in the framework of this case study, firstly, a comparison of primary documents- i.e. between the texts of the mandates made in March 2013 and the final texts approved by the EP in November 2013- is made. Secondly, semi-structured interviews are conducted in order to shed light on the reasons why the agent in the case study enjoys discretion. As for the first step of the analysis, i.e. the comparison of texts, Fertö and Kovacs (2014), Kovacs (2014) and Knops and Swinnen (2014) already used this technique of comparing the texts of the mandate made in March 2013 (which comprehend the amendments made by the Parliament) and the final text approved by the EP in November 2013. These scholars used the comparison of texts to assess how much influence the EP gained in the Common Agricultural Policy after co-decision. Delreux and Laloux (2018) also compared the EP mandate with the compromise negotiated by the agent to build their deviation index. Their index computes the difference between these texts, and it standardizes that difference, presenting a score of the distance between what the principal initially asked and what the agent ultimately manage to keep in the negotiating table. Therefore, this first analysis step- even though it will not build a deviation index as the one proposed by

Delreux and Laloux (2018)- will give a general idea of the EP negotiating team room of manoeuvre.

This first step is deemed necessary to study the discretion of the EP negotiating team during trilogues for the 2013 CAP reform because, through the comparison of texts, one can understand how EP many amendments -and what kind of amendments- have been included in the final approved texts. In fact, during a negotiation, it is almost impossible for a party to get everything he/she wants to obtain, but he/she will try to find with the counterparts a ZOPA (Spangler, 2003) in which their main interests and goals converge. Therefore, in order to achieve these tasks, the EP negotiating team has to implicitly deviate from its mandate during trilogues, thus yielding on points on the mandate that can be considered 'less important' and fight to affirm those that are not negotiable. Hence, by calculating how many EP amendments have been included in the final texts, the reader can have a first general idea of how much the EP negotiating team has deviated from the mandate in order to both find a common area in which the three institutions could get an agreement and to maintain those amendments that were considered 'important' for the European Parliament.

An important clarification needs to be made here. In fact, it is essential to clarify that deviation does not measure agency discretion, but it *hints* the margin of manoeuvre in which the EP negotiating team moves in order to conduct a negotiation. Indeed, the two terms have different meanings. While agency discretion is defined as the *margin of manoeuvre conquered and enjoyed by the agent while executing its delegated task*, the term deviation is -according to Laloux and Delreux (2018)- the 'distance between the initially expressed position of the principal and the final outcome delivered by the agent, irrespective of its sources or reasons *[- or, put shortly, it*] is the difference between what the principal asks and what the agent delivers, without any other consideration'. In this sense, deviation is related to agency slack, but with due differences (cf. Chapter II, page 47). Therefore, this first step makes an initial suggestion of the extent of the negotiating team discretion by simply confronting the texts. However, since this step alone is not sufficient to understand the reason behind agency discretion, and since the terms 'deviation' and 'discretion' have two separate meanings, it is necessary to supplement the result of the text confrontation with the qualitative research method of interviews.

The results gathered from the comparison of texts are obtained as follows. The texts of the mandate, which present the EP amendments to the Commission's proposal, are compared to the

final texts approved in December 2013 on the four CAP regulations. For each mandate, the amendments (both for the recitals and articles) have been cataloged, listed, and confronted with the respective final regulation. The amendments included modification to the Commission's text proposal, the elimination of entire articles or parts of them, creation of new recitals and/or articles, and additions such as words or entire phrases. These amendments fall into four specific categories -theorized for the first time by Kreppel (2002)- which are based on the objective of the amendment itself. A first typology clarifies some parts of the text without substantially changing it. The second category of amendments has the goal of expanding the applicability or the domain of the text. The third type of amendment tries to add a new policy dimension to the Commission proposal. The fourth and last category is reserved for the 'compound amendments', which combine the objectives of the previous three other categories (Kreppel, 2002). Following the methodology used by Fertö and Kovacs (2014), an amendment is to be considered as adopted if its entirety or at least part of it was built into the final text adopted in November-December 2013. Then it is calculated the ratio between the sum of the adopted and incorporated amendments and the total number of amendments introduced, in order to obtain the success rate of the EP amendments. As previously stated, although these results are important in order to have a first general idea of *the extent* of the discretion enjoyed by the agent, the present dissertation tries to comprehend deeply both the degree and *the reason why* the negotiating team-agent in this case study enjoys discretion. As a result, it is necessary to move beyond simple counts of amendment success, and the data extracted needs to be triangulated by interviews.

In fact, through interviews, a scholar can obtain novel information that is not already accessible in other primary or secondary sources (Panke, 2018). The interviews made for this research project are based on semi-structured qualitative questions to be addressed to various actors from the European Parliament, such as former members of the negotiation team and officials from the AGRI secretariat. Semi-structured interviews are characterized by precise and standardized questions and the possibility for the interviewee to gives open answers (Panke, 2018). The interviews are conducted with a pre-defined set of questions (15 questions and 5 sub-questions, for a total of 20 questions) on the two influencing factors that are likely to influence the negotiating team discretion during the 2013 CAP reform trilogues: the composition of the negotiating team; the context in which the negotiating team operates. The questionnaire is hereby available in the Annex part (see Annex I).

Firstly, the interviews try to establish if, according to the interviewees, the negotiating team has enjoyed the same level of autonomy for each and every of these reform regulations, if the team was trusted by the COMAGRI during negotiations or if some sort of control was perceived (before, during and/or after the trilogues). Secondly, a set of five questions inquire about the effect of the composition of the negotiating team on its autonomy vis-à-vis the COMAGRI mandate. Thirdly, another set of questions investigate the effect of the trilogue context on the agent's discretion. Finally, a set of questions is reserved for establishing if and what other factors- according to the interviewed- influenced the autonomy of the negotiating team.

Interviews were held between October 2019 and February 2020. The interviews were conducted either via telephone either in person in Brussels. For the present research, rapporteurs, shadow rapporteurs, and the involved COMAGRI secretariat officials were contacted via email, if the contact was available. Nonetheless, as the negotiations were held at the end of the 7th EP legislature (2009-2014), several former members of the negotiating team are also former MEPs, making it difficult to find an accessible contact. In the end, a total of four interviews were conducted. The list of interviews is hereby available. The results from the comparison of the texts and from the interviews and of the present research are shown in the fifth chapter.

Table 3. 1 List of interviews

Interview	Function	Date	Venue
A	Professor, Former MEP	29 October 2019	Interview via phone call
B	MEP	9 December 2019	European Parliament, Brussels
C	Official of COMAGRI Secretariat	10 January 2020	Interview via phone call
D	Lobbyist, Former MEP	20 February 2020	Brussels

IV. Case study: the 2014-2020 Common Agricultural Policy reform-the role of the European Parliament

The last section of the first chapter was dedicated to the description of the main aspect of the 2013 CAP reform. To recall, the reform related to four basic regulations for the CAP: Direct Payments; the Single CMO; Rural Development; and Horizontal Regulation. This was the first reform in which the European Parliament was involved as a co-legislator. This chapter illustrates the development of the 2013 reform, and the involvement of the EP in the process, in four steps. Firstly, it briefly outlines one particular feature of this reform: the participation of external actors (such as civil society and stakeholders), whose opinions were deemed key during the preparation of the Commission's proposal. Secondly, the chapter analyses the time frame during which the EP organized itself for dealing with the reform of the four main CAP regulations and for entering into tripartite negotiations (this period goes from October 2011 until March 2013). Thirdly, the chapter illustrates the dynamics of the 2013 CAP reform trilogues, such as the development of the working relationship between the three institutions involved in negotiations, the difficulties that the EP encountered (and the strategies used to overcome them), its achievements, and what scholars and experts thought of the overall EP influence over the trilogue negotiations. Fourthly, this chapter discusses how the present case study is related to other cases of legislative negotiations and other PA relations within the context of the European institutional setting.

As previously mentioned, one prominent feature of the 2013 reform was the engagement and participation of the civil society and stakeholders, especially during the early stages. In the phase of construction of the legislative proposal (2011 circa), the Commission for the first time launched a public debate on the future of the CAP, showing to be as interested in the civil society actors' and stakeholders' requests as to the farmers' interests (Cuhna and Swinbak, 2011).

According to Knops and Swinnen (2014), co-decision affected the participation and influence of the civil society and stakeholders in different ways. Firstly, this procedure intensified the relationship between the MEPs and actors such as the farming community, the agri-food industry, and NGOs, making these latter increasingly lobby the EP. Secondly, the co-decision procedure forced the civil society actors to organize their message to a more European level, even though it is unclear the extent of their influence on the EU decision-makers. Thirdly, civil society actors perceive their influence differently depending on the cause they fight for. For instance,

environmental actors believe they have a more marginal role in the CAP talks compared to those who defend the interests of farmers (Greer, 2017).

When the Commission transmitted its proposal to the European Parliament in October 2011, the EP presidency decided to design COMAGRI as the responsible committee on all the four CAP regulations. Other committees were designed as opinion-giving, such as the Committee on the Environment, Public Health and Food Safety (ENVI), the Committee on Budgetary Control (CONT), the Committee on Development (DEVE), the Committee on Budgets (BUDG), and the Committee on Regional Development (REGI). In COMAGRI the two largest political groups- the Socialists and Democrats (S&D) and the European People's Party (EPP)- obtained the rapporteurship on the four regulations: Luis Manuel Capoulas Santos (PT, S&D) obtained the reports on Direct Payments and on the Rural Development regulations; Giovanni La Via (IT, EPP) was appointed rapporteur for Horizontal Regulation; Michel Dantin (FR, EPP) became the rapporteur for the Single CMO Regulation. The other political groups (ALDE, Greens/EFA, ECR, GUE/NGL, EFD) appointed the other 18 members of the EP: the shadow rapporteurs. The three rapporteurs and the shadow rapporteurs then formed the EP negotiating team, once the Parliament plenary voted the mandate to start the interinstitutional negotiations on 13th March 2013.

Table 4. 1 The EP negotiating team for the 2013 CAP reform

	Direct Payments	**Single CMO**	**Rural Development**	**Horizontal Regulation**
Rapporteur	Luis Manuel Capoulas Santos (PT/S&D)	Michel Dantin (FR/EPP)	Luis Manuel Capoulas Santos (PT/S&D)	Giovanni La Via (IT/EPP)
Shadow Rapporteur	Maired McGuinness (EPP)	Iraxte García Pérez (S&D)	Elisabeth Köstinger (EPP)	Michal Olejniczak Wojciech (S&D)
	George Lyon (ALDE)	Britta Reimers (ALDE)	Marit Paulsen (ALDE)	George Lyon (ALDE)
	Martin Häusling (Greens/EFA)	José Bové (Greens/EFA)	Alyn Smith (Greens/EFA)	Bas Eickout (Greens/EFA)
	Janusz Wojciechowski (ECR)	James Nicholson (ECR)	James Nicholson (ECR)	Julie Girling (ECR)
	Patrick Le Hyaric (GUE/NGL)	Alfred Rubiks (GUE/NGL)	Patrick Le Hyaric (GUE/NGL)	Alfred Rubiks (GUE/NGL)
	John Stuart Agnew (EFD)	Giancarlo Scottà (EFD)	Giancarlo Scottà (EFD)	Giancarlo Scottà (EFD)

This table draws on Knops and Garrone, 2014. Together with the COMAGRI Chair, MEP Paolo De Castro (IT, S&D), the rapporteurs and shadow rapporteurs for the EP negotiating team.

According to Roederer-Rynning (2014), COMAGRI, being the responsible EP committee on Agriculture and Rural Development (and thus the responsible committee for the CAP reform mandated by EP) did not substantially change in the post-Lisbon era. It still had close connections to the farming world, with its center of gravity laying on an interventionist CAP rather than a status-quo oriented one. Roederer-Rynning (2014) thus asserts that the entry into force of the co-decision procedure for agricultural matters reasserted the farming profile of COMAGRI. Notwithstanding this connection, public support (especially from the farming world) decreased for some of the new features of the 2013 CAP reform such as greening. For example, the greening proved to be very difficult to implement for farmers. It was feared that greening could have become a major source of payment errors. By doing so, the reform was at the center of extensive criticism from the farming world for imposing additional constraints and costs on farmers without balancing them with environmental gains (De Castro and Di Mambro, 2014).

Moreover, digging deep in the decision-making process of the last CAP reform, Roederer-Rynning (2014) found out that COMAGRI experienced- in addition to external criticism from farmers- some internal divisions. The three rapporteurs appointed to deal with four main CAP regulations reform drafted their reports in the spring of 2013, putting forward 719 amendments to the Commission proposal. This was not a particularly high number; however, MEPs subsequently submitted 7036 additional amendments during the open amendment phase. The evident abundance of tabled amendments highlighted the heterogeneity of agricultural and national interests and it reflected the intense lobbying of farmers organizations, institutional lobbyists, industries, and NGOs. This heterogeneity worried COMAGRI on the possible negative implications for the credibility of the EP in trilogues (Roederer-Rynning, 2014).

COMAGRI spent several months between the spring and fall 2012 (Roederer-Rynning, 2014) trying to sort political compromises in shadow rapporteurs' meetings. Moreover, COMAGRI had to involve ENVI opinion-giving rapporteurs in the compromise negotiations. Eventually, after fighting internal cleavages involving old and new member states, free trade versus interventionist stances, pro-environmentalists versus pro-producers, COMAGRI tabled a common position and 278 compromise amendments (Roederer-Rynning, 2014). Nonetheless, additional amendments were tabled between the COMAGRI vote in January 2013 and the plenary vote in March 2013.

The plenary vote witnessed large majorities secured on the rural developments and horizontal regulation dossiers, in contrast to the direct payment regulation and the Single CMO regulation

(which was the most contested one) that were approved with small majorities. The plenary vote in March also gave the mandate to start the interinstitutional negotiations between the EP, the Council, and the Commission (Roederer-Rynning, 2014).

The inter-institutional negotiation phase lasted 8 months, from April 2013 to November 2013. Around 50 trilogues took place between those months, leading to a political agreement and the vote in first reading in November and December 2013 (Knops and Swinnen, 2014). When talking about trilogues for the 2013 reform, several observers viewed the passage from consultation to co-decision as a sign of democratization in the area with the participation to the negotiations of the only directly elected institution: the European Parliament. On their side, Knops and Garrone (2014) affirm that the democratization of CAP negotiations should also be considered in light of the co-decision procedure and its legislative complexity. This complexity strengthens the society's perception of a distant and opaque EU political system that works mostly behind closed doors and through back channels. This in turn supports the public's view of a lack of transparency, especially during trilogues, as these negotiations are not open to external actors and the technical matters discussed are not available to the public to know.

As these were the first interinstitutional negotiations for the Parliament regarding a CAP reform, the EP was considered to be at disadvantaged compared to the Commission and the Council. This was feared especially regarding past experiences in the trilogues, working culture, in-house resources, and working relationships between the institutions. Despite the fears, co-decision increased the level of contacts among the three institutions, especially between the Commission and the Parliament. This was possible both as the Commission made efforts to share information to both the EP and the Council in order to put them on equal footing and as Commissioners had direct contacts with MEPs from COMAGRI. Overall, a constructive setting was created among the members of the EP negotiating team and between the staff of each institution during the negotiations. There is also a consensus among the institutions about the influence that the informal working culture had during the negotiations (Knops and Garrone, 2014).

The three institutions adapted to their new working practices and to the new co-legislation setting. Yet, some old dynamics continued to prevail. For example, there was more interaction between the Commission and the Council teams, leaving the EP negotiating team lagging behind in different situations (Knops and Swinnen 2014). It has been stated that there were several motives behind this circumstance. Firstly, the Commission and the Council are different in nature from

the EP, as they are rather administrative, while the essence of the Parliament is rather political. Secondly, the EP negotiating team was not faced with counterparts that were on its level, meaning that while the rapporteurs and the shadow rapporteurs can take a clear political decision without waiting for the EP's authorization, the civil servants from the Council and the Commission usually have to refer back for approval, since neither the ministers or the Commissioner themselves participate in trilogues (Knops and Garrone, 2014).

The constraints for the Parliament were not only endogenous to the trilogues, but some of them were exogenous. For instance, as the Multiannual Financial Framework was negotiated in parallel with the CAP reform, the MFF itself restricted the EP room of manoeuvre on numerous major issues. The MFF also framed precisely what could have been negotiated during the CAP trilogues. Moreover, the food and economic crisis of those years had a major impact on the EP market regulation positions regarding the Single CMO talks. Still, the crisis allowed for the rapporteurs to ask for a stronger regulation of agricultural markets and more support for the EU farmers (Knops and Swinnen 2014). As a result of these constraints, the negotiations for the Single CMO turned out to be the most difficult and controversial of all the four CAP regulation, and it took months for the three institutions to agree on it.

To overcome some of these constraints, the Irish Presidency of the Council, aiming at closing the negotiations and to vote the CAP reform by the end of its semester, invested heavily in developing personal relationship between the Council team and the EP negotiating team since the very early stages of the process (Knops and Swinnen, 2014). Moreover, once the three delegations were at the end of the negotiating phase, different informal meetings were organized- in order to speed up the process- with only six people in the room: the Irish Presidency, the COMAGRI Chair, the Commission lead negotiator, the relevant Council Working Group Chair, the relevant rapporteur from the EP, and one Deputy Director-General of the Directorate-General for Agriculture and Rural Development (DG AGRI). In these meetings (organized in May 2013), the six people in the room tackled various delicate political issues in a *package* format, giving time to discuss more detailed and technical aspects during the previous trilogues meetings (Knops and Swinnen, 2014). Interestingly, there was a very specific reason for discussing the most important and political issues at the end of the negotiating period. The Ordinary Legislative Procedure applies to all CAP-related issues, except for those listed in Article 43(3) TFEU, such as the measures relating to fixing prices, levies, aid and quantitative limitations, as well as to fixing and allocating fishing opportunities. These exceptions are to be legislated via regulation from the Council, thus limiting

the EP legislative power. The matters listed in Article 43(3) cover many issues that fall under the Common Market Organisation umbrella, which was being discussed within the co-decision procedure for the CAP reform. As a consequence, negotiations on the legal basis of the Single CMO and on whether Article 43(3) TFEU should be applied were left undone until the end of the negotiating phase (Knops and Garrone, 2014; but also confirmed by Interviewed D, 2020). In the end, the Irish Presidency was praised for managing to close the deal on the 2013 CAP reform. The COMAGRI Chair was also praised for getting every part in the negotiation to agree on a final text and for playing his role behind the scenes.

Notwithstanding the obstacles that it encountered during the trilogues phase, the EP was considered the overall winner in its new role as co-legislator (Knops and Garrone, 2014). The influence and decision-making that the EP exerted in the 2013 CAP reform talk were in the hands of COMAGRI (as the Committee that drafted the EP position on the matter) and in the hands of the negotiating team, which was put in charge of defining and defending the EP official stand vis-à-vis the Council and the Commission (Knops and Garrone, 2014). Since it was considered the winner of the negotiation, it can be said that the European Parliament had a noticeable influence on the four regulations negotiations (Knops and Swinnen, 2014).

For instance, in the talks for the Single CMO, the EP introduced several new ideas in the field of collective organization of producers and particularly achieved to delay the end of the sugar quotas until 2017. On Rural Development, the EP power was perceived as decisive in eliminating the double funding and in limiting agri-environmental spending (Knops and Swinnen, 2014). On the Horizontal Regulation, the Parliament supported the Commission position on strengthening both the accountability of the paying agencies and the control system, but it also added some elements of competitiveness and entrepreneurship to the Farm Advisory System and the early warning system element to the cross-compliance issue. On Direct Payment, the Young Farmer's Scheme was the area in which the EP influence was decisive, as the Parliament achieved to impose the mandatory character of the Scheme and it managed to increase the number of eligible hectares up to 90. Moreover, its views regarding greening were towards more flexibility compared to the binding character of the Commission proposal (Knops and Swinnen, 2014). This vision on greening reflected fears expressed by farming stakeholders about the regionalization of payments and bound by standardized environmental standards despite the diversity of the European agricultural landscape (Greer, 2017).

Despite the introduction of some new elements during trilogues, for some scholars, the European Parliament's influence resulted in an overall pro-status quo stance on CAP reform. As previously said, COMAGRI MEPs were mainly 'farm-connected', and farm unions are traditionally known for fighting to maintain the status quo. In their study, Knops and Garrone (2014) state that the EP (particularly the COMAGRI) pushed for fewer reforms than the Commission, especially in the case of greening components. However, trying to have definitive assertion on the nature of the EP stances is a highly sensitive matter: depending on the scholars' point of view, the EP position can be described as either reformist or pro-status quo.

Nonetheless, the EP backed the proposal to give more flexibility to the EU Member States for the amount of funds to transfer between pillars to make the new CAP more prone to adapt to different contexts. Regarding the direct payment scheme, the COMAGRI MEPs pushed for introducing a voluntary redistributive payment for the first hectares, in order to provide tailored support for small and medium farms. Moreover, the EP fought to maintain compulsory support for young farmers and to dismiss double funding on green direct payment, and regarding the Single CMO regulation aimed for a more active role of farmers in the agri-food sector (De Castro and Di Mambro, 2014). Regarding the matter of greening, the EP managed to influence on some specific issues: the Parliament wanted an extensive list of farmers covered by 'green by definition' and fewer areas to be included in Ecological Focus Areas (EFAs); the EP also requested for permanent grassland to be identified at the regional rather than the individual echelon and for lower penalties for greening non-compliance (Knops and Swinnen, 2014).

Regarding the relation between this case and other cases of European legislative negotiations or PA relations within the context of the European institutional setting, at least three similarities can be noticed at this point. Firstly, in the 2013 CAP reform trilogues, the EP is represented by a negotiating team composed by rapporteurs, shadow rapporteurs, and the Chair of the responsible committee, as it happens to every trilogue since the 2012 reform of the EP Rules of Procedure- for which the EP *has to* be represented by a team during interinstitutional negotiations.

Secondly, due to the aforementioned similarity, the EP negotiating team- even in the 2013 CAP reform case- is to be considered as a collective agent composed of several MEPs who are collectively delegated by the principal to negotiate in trilogues. This model is built on the study conducted by Laloux (2017), which is based also on interviews with officials from the EP Conciliations and Codecision Unit, assistants MEP, and officials from committees such as the

Committee on Civil Liberties, Justice and Home Affairs (LIBE). This model can be applied to every negotiation (following the 2012 reform of the EP Rules of Procedure) in which the relation between the EP and its negotiating team is analyzed. Thus, this aspect makes the 2013 CAP reform trilogue similar to other tripartite negotiations in which the EP is represented by a negotiating team.

A third key similarity that can be noticed between this case and other EU legislative negotiation was the use of informal meetings organized outside the formal trilogue meetings context and with only six people in the room (Knops and Swinnen, 2014). Outside the context of the CAP reform, in addition to the scheduled and pre-established trilogues, for which several norms have to be respected, academic papers such as the one by Roederer-Rynning and Greenwood (2015) attests to the presence of these close meetings, thus leaving behind essential EP negotiating team components such as the shadow rapporteurs.

Apart from these similarities, at least three differences can be perceived- at this point- between this case and other legislative negotiations within the EU institutional framework. A first difference is that, for authors such as Brandsma (2015) and Reh (2014), although the EP is represented by a team, the rapporteur is still perceived as the major EP actor in trilogues, for instance when proposals such as the 2011 Proposal of Regulation for laying down common provisions for several EU funds relating to regional development or the 2011 Proposal on the European Social Fund needed to be negotiated. However, regarding the 2013 CAP reform, the COMAGRI Chair has played a major active role, for some even a predominant role (see int. B in the next chapter), thus being more similar to the EP Committee on Economic and Monetary Affairs from the seventh EP legislation (Roederer-Rynning and Greenwood, 2015).

A second singularity of this case study was the number of members of the EP negotiating team: 21 MEPs plus the COMAGRI Chair. As a matter of fact, since the EP needed to negotiate a package of four regulations within the framework of the CAP reform, what should have been separate teams were considered as a single negotiating team by Parliament. Indeed, it can be seen that some MEPs were given several roles as rapporteurs or shadow rapporteurs between the various regulations.

A third difference that can be noticed is that the context of the 2013 CAP reform was both urgent and complex. Within the present case study, the three EU institutions felt the need of closing the

negotiations and to vote the CAP reform by the end of the Irish Presidency, thus highlighting a high degree of urgency. Moreover, the package negotiation of the four CAP regulations made the trilogues' context complex. This is a specificity of the CAP reform case study since there are not so many trilogue negotiations that are as urgent and complex. This specificity is particularly important because both complexity and urgency are likely to have an impact on the extent of autonomy in PA theory. In fact, Plank and Niemann (2017) in their study of structure-induced agent actions, argue that agent discretion is based on the specific context of a policy domain might (that may involve a high degree of urgency and complexity) which in turn require a high degree of flexibility for the agents.

V. Research results

This chapter is reserved for the results of the research coming from the official documents comparison and from the interviews conducted between October 2019 and February 2020. The answers collected are compared (between each other and to what the literature says on those factors) to understand if the two propositions formulated in the preceding chapters are to be considered applicable to the present case study. Firstly, this research presents the results of the comparison of the texts. Afterward, this chapter illustrates the answers given to the interviews carried out for this thesis. Finally, the results obtained both from the comparison of the texts and the interviews are shown.

The comparison between the texts has shown that, among the four CAP regulations, the success rate of the EP amendments varies. As stated in chapter III, following the methodology used by Fertö and Kovacs (2014), an amendment is to be considered as adopted if its entirety or at least part of it was built into the final text adopted in November-December 2013. Then it is calculated the ratio between the sum of the adopted and incorporated amendments and the total number of amendments introduced, in order to obtain the success rate of the EP amendments.

In the mandate for the Single CMO, a total of 349 amendments were presented. In the mandate for the Horizontal Regulation, 179 amendments were made. Regarding the Rural Development regulation, a total of 145 amendments were tabled. Concerning the Direct Payments regulation, the mandate presented 98 amendments. In sum, a total number of 771 amendments were voted in the EP in March 2013 to start the negotiation process with the Council and the Commission.

The mandate for the Single CMO, officially the *European Parliament decision of 13 March 2013 on the opening of, and on the mandate for, interinstitutional negotiations on the proposal for a regulation of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (Single CMO Regulation)* was compared to the Regulation (EU) No 1308/2013, i.e. the final text approved by both the EP and the Council at the end of 2013.

The mandate for the Horizontal Regulation (*European Parliament decision of 13 March 2013 on the opening of, and on the mandate for, interinstitutional negotiations on the proposal for a regulation of the European Parliament and of the Council on the financing, management and monitoring of the CAP*) was compared to the Regulation (EU) No 1306/2013.

The mandate for Rural Development (*European Parliament decision of 13 March 2013 on the opening of, and on the mandate for, interinstitutional negotiations on the proposal for a regulation of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development*) was compared to the Regulation (EU) No 1305/2013.

Finally, the mandate for Direct Payment (*European Parliament decision of 13 March 2013 on the opening of, and on the mandate for, interinstitutional negotiations on the proposal for a regulation of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy*) was compared to the Regulation (EU) No 1307/2013.

In the following table, it can be found the success rate of the EP amendments. By calculating how many EP amendments have been included in the final texts, and by calculating the success ratio of those amendments, the reader can have a first general idea of how much the EP negotiating team has deviated from the mandate in order to find an agreement and to maintain those amendments that were considered 'important' for the European Parliament. It is important to restate that deviation does not measure agency discretion, but it can *suggest* the margin of manoeuvre in which the EP negotiating team moves in order to conduct a negotiation. The two terms have separate meanings: while agency discretion is the *margin of manoeuvre conquered and enjoyed by the agent while executing its delegated task*, deviation is the 'distance between the initially expressed position of the principal and the final outcome delivered by the agent, irrespective of its sources or reasons *[- or, put shortly, it*] is the difference between what the principal asks and what the agent delivers, without any other consideration' (Laloux and Delreux, 2018). Therefore, this first step makes an initial *suggestion* of the extent of the negotiating team discretion. However, since this step alone is not sufficient to understand the reason behind agency discretion, it is necessary to supplement the result of the text confrontation with a qualitative research method: interviews.

Table 5. 1 The success rate of the EP amendments by CAP regulation

	Amendments in negotiating mandate	**Amendments included in the final text (units)**	**Amendments included in the final text (%)**
Single CMO	349	165	47.2%
Horizontal Regulation	179	66	36.8%
Rural Development	145	69	47.5%
Direct Payments	98	39	39.8%
Total	771	339	43.9%

Source: own calculations.

As shown by Table 4.1, almost 44 percent of the total number of the amendments in the EP negotiating mandate were included in the final text and therefore adopted. The largest rate of amendments included in the final text was found in the Rural Development Regulation (47.5 percent), followed by the Single CMO Regulation (47.2 percent) and by the Direct Payment Regulation (39.8 percent). The lowest percentage of adopted amendments was found in the case of Horizontal Regulation (36.8 percent). By comparing the EP's influence under co-decision with its influence in the previous legislation, when the Consultation procedure was still used in this field, Fertö and Kovacs (2014) showed a significant increase in the EP power, which has become a real co-legislator with the Council.

This first analysis step gives a general idea of the EP negotiating team room of manoeuvre. The difference among the four success rates may make the reader believe that the negotiating team had four different autonomy levels granted by COMAGRI. In fact, as previously stated, from reading the table it can be seen that not all the amendments included in the mandate were incorporated in the final text. Therefore, the EP negotiating team must have had a different level discretion when it negotiated, for instance, the Rural Development Regulation- for which 69 amendments were accepted from the initial 145- than when the Horizontal Regulation dossier was on the table. The same goes for all four Regulations. Therefore, if one has to answer the research question '*how to explain the level of discretion enjoyed by the EP negotiating team in the informal trilogues for the 2014-2020 CAP reform?*', by using this quantitative research method only, one can state that the EP negotiating team had different levels of discretion when discussing the four CAP regulations, as it can be seen by the differences in the success rate of the EP amendments.

However, as already stated, this research method does not give a complete answer, as it just *suggests* the extent of the level of discretion enjoyed by the EP agent. In fact, the present dissertation tries to deeply comprehend both the degree and *the reason why* the EP negotiating team enjoyed discretion when negotiating the 213 CAP reform. This is why the comparison of the texts is to be completed with qualitative interviews.

The interviews conducted for the present research revealed a different story from the one that can be interpreted from the numbers derived from the comparison of texts. In fact, when asked about the degree of autonomy granted by COMAGRI in the four CAP regulations, all four interviewees answered that the negotiating team had the same level of autonomy for each regulation. Interviewee D also added that the team had the same freedom to negotiate and to compromise in all four CAP regulations (also stated by interviewee A). According to interviewee B, the CAP first and second pillars (direct payments scheme and market measures for the first pillar, rural development support measures for the second pillar) were given greater importance during negotiations; nonetheless, the same level of autonomy was given to negotiate on the four reform regulations. Interviewee A also confirmed that the degree of autonomy enjoyed by the negotiating team was the same on the four CAP regulations, notwithstanding the different characteristics of the four regulations. It was also pointed out that there was more attention coming from public opinion and stakeholders on direct payments and single CMO regulations (Int. A).

When asked 'How much autonomy vis-à-vis COMAGRI control and mandate would you say did the negotiating team have?', the answers from the interviews were all the same: high level of autonomy. Interviewee B specified also that, among the negotiating team, the rapporteurs and the COMAGRI Chair – but especially the rapporteurs- were granted a considerable degree of autonomy. Regarding the third question of the interview (i.e. if the team was trusted by the COMAGRI), the answers were, once again, the same: COMAGRI trusted its negotiating team. Again, Interviewee B pointed out that, as COMAGRI grants a great level of autonomy to the rapporteurs, there is automatic trust between COMAGRI and the negotiating team during the negotiating phase. Still, some intermediate steps are necessary, during which the team reports in COMAGRI after the trilogues.

When asked if some sort of control by COMAGRI was perceived (before, during, or after the negotiations), all interviewees answered that it was only noticed before the trilogue negotiations happened, precisely when the mandate was defined by COMAGRI and the EP. However,

COMAGRI was not the only one exerting some level of control during these negotiations: according to interviewee D, the political groups also exercise some control before the trilogues period. This is true 'especially for the shadow rapporteurs since they are the ones responsible for having the views of their own political groups heard and represented during the trilogues' (int. D).

The second group of questions inquires the effects of the composition of the negotiating team on its autonomy vis-à-vis the COMAGRI mandate. This set of questions was asked in order to assess the relevance of the first proposition formulated in the present dissertation (*the EP negotiating team did have a high level of discretion because its composition mirrors that of its responsible committee).* Firstly, it was asked how the composition of the negotiating team was, and in particular, if it mirrored the composition of COMAGRI. The interviewees all answered positively to the question especially concerning the division of roles (rapporteurs and shadow rapporteurs) between the political groups (Int. A). More specifically, the largest political groups could choose more MEPs than the other groups to form the negotiating team (Int. B). This was possible because, 'during the bidding process, the political groups in the Parliament receive a number of points according to their size and they bid for a report, and therefore also for the rapporteurs and the shadow rapporteurs' (int. B; but also confirmed by Corbett et al, 2005). This gave the negotiating team a composition that truly mirrored the one of COMAGRI.

Secondly, it was asked if the negotiating team kept COMAGRI updated on developments in the negotiations. As it was previously mentioned by interviewee B, COMAGRI was updated by the team's reports after the trilogues. Each component of the team (rapporteurs, shadow rapporteurs, and even the committee Chair) reported either to the COMAGRI or to his/her political group (int. A; int. C; int. D). Moreover, when asked if COMAGRI gave the negotiating team instructions on the official EP position on various issues during the trilogue negotiations, all interviewees stated that the only instructions were given to the team just before the negotiations began, not during the trilogue period. The instructions coincided with the official mandate (int. A; int. C; int D). Interviewee B added that the political groups also gave instructions to their MEPs present in the negotiating team, but only at the beginning of the negotiating phase. Moreover, when asked if the composition of the negotiating team helped to increase the exchange of information between the team itself and COMAGRI, all interviewees responded positively to the question. According to int. B, the composition helped in this sense because the 'team was formed by competent and seriously involved MEPs' (int. B). According to interviewee A, this was also because the team

reported to COMAGRI as the negotiations progressed, but it was due especially to the 'team members that discussed among them the various topics dealt with during the trilogue' (in. A) before reporting to COMAGRI. For the interviewee D, the composition of the team helped to increase the exchange of information mainly because 'the rapporteur and the shadow rapporteurs had the trust of political groups and COMAGRI' (int. D).

It was also asked how much the negotiating team composition contributed to its level of autonomy vis-à-vis COMAGRI control throughout the trilogue process. According to the answers given, the interviewees all agreed that the team's high level of autonomy was also caused by its composition. According to interviewee D, that exact correlation was present also because the members of the team were trusted, especially by their political group. Additionally, interviewee B specified that the negotiating team was a very high-profile one, composed of former ministers and former councilors with important experience in the field. Interviewee A also gave a helpful insight into the matter. According to the views of Interviewee A, the team most certainly reported to COMAGRI after the negotiations, but it was mostly the team members that confronted themselves on several issues. The core work was done within the team itself, which worked in great harmony. These answers can already hint that the team composition has played a key role in the level of autonomy of the negotiating team itself.

Finally, it was asked what aspects or key figures of the negotiating team played a key role in the exchange of information between the team and COMAGRI. Responses here varied to some extent. According to interviewee A, the rapporteurs were the team's key figures, as they were the ones reporting to the committee after the negotiations. According to interviewee B, both the COMAGRI Chair and the rapporteurs were the key figures in the team, even though the role of the committee Chair was more prominent this time. Interviewee B pointed out that this situation was actually quite unique, as it is usually the rapporteur who manages everything during negotiations with the Commission and the Council. For interviewee C, both the COMAGRI Chair and the rapporteurs played an equally key role in the 2013 CAP reform trilogues. Lastly, interviewee D stated that, in the end, each team member played an important role during the negotiations. Both rapporteurs and shadow rapporteurs had to report to their political groups in order to have their continuous support. However, in the relationship between the team and COMAGRI, interviewee D asserted that the COMAGRI Chair played a decisive role, especially regarding the exchange of information between the team and the committee.

A third set of questions investigates the effects of the context in which the negotiating team operated during trilogues. This group of questions was asked in order to assess the relevance of the second proposition formulated in the present thesis (*the informal context of trilogue negotiations led the EP negotiating team to achieve a high level of discretion vis-à-vis its responsible committee's mandate).* Firstly, the questionnaire tried to assess if according to the interviewees, trilogues happened in a context of informality, or if a more formal setting led the way of the negotiations. All interviewees answered that, on an organizational level, the trilogue negotiations were rather formal than informal, as they were following rules for formal debate such as a 'precise allocated speaking time, even though the participants had the opportunity to call for a break and have informal discussions between each other rather than always following a formal debate' (int. D). Additionally, the negotiations were described as having also a more 'informal mood' among the participants. Interviewee A added that, while the trilogue context was rather formal and no one deviated from the official position defined with the political groups during trilogues, the three delegations, more than once, 'met informally over dinner, over coffee, over a beer' (int. A), in order to negotiate more freely from the formal constraints of the setting. During these meetings, the three delegations had more liberty to ask informally what one could compromise during negotiations and what could not be given up, in order to speed up the trilogue process.

Secondly, it was asked if, according to the interviewees' point of view, the setting of trilogues negotiations allowed for lower levels of control from COMAGRI, therefore giving the negotiating team more autonomy. All interviewees answered positively to the question, as there was no control from COMAGRI during the negotiations (int. A; int. C) and the context of trilogues has 'valorized' the autonomy of the team (int. B; int. C). Still, some members of the negotiating team had to report back to their political groups, even more often than others (int. D). According to interviewee D, this was due to the fact that the 'real power' of the team members comes from the political groups rather than from the committee, as they are selected through the bidding process by their own political groups, not by the committees. However, the members of the negotiating team only report back to the political groups to keep them informed of the negotiation developments, as no control was exercised by the groups during the trilogue period.

When asked about what aspects of the trilogues setting played a role in the level of control from COMAGRI, the answers revealed numerous features that, according to the interviewees, helped in that sense. For example, interviewee B stated that some bilateral meetings between the EP and

Council delegation and between the EP and Commission delegations played a key role during the negotiating period. In this sense, 'the European Parliament played a *roundabout role* in understanding the level of acceptability of the reforms carried forward during trilogues' (int. B). For interviewee C, the main feature of the trilogue setting was the great autonomy and flexibility that were accorded to the negotiating team. Indeed, as the Council negotiating team always needed to report back for approval, since the ministers themselves did not participate in trilogues (as also stated by Knops and Garrone, 2014), the EP negotiating team had great flexibility through its mandate. According to interviewee D, what really played a key role during trilogues was the trust given from the political groups to their respective MEPs in the negotiating team.

Afterward, it was asked how much the setting of trilogues contributed to the negotiating team level of autonomy throughout the trilogue process according to the interviewees. If in the second question of this third set it was asked if the setting of trilogues allowed for more autonomy by lowering the level of control by COMAGRI (which can also be resolved by a simple yes or no answer), in here the question ask the interviewee to *quantify* the level of autonomy that the EP negotiating team enjoyed thanks to the setting of the trilogues. Here, all interviewees stated that the trilogues setting 'contributed' (int. A) and 'valorized' (int. B) the team autonomy, therefore enabling it to enjoy a high level of discretion. Once again, interviewee D also pointed out that the setting of trilogues contributed to the high level of autonomy of the team because 'trust and power came also from the EP political groups' (int. D).

Finally, the questionnaire ended up by asking if other factors influenced the autonomy of the negotiating team, and if so, which ones. Here, two kinds of answers were given. For interviewees A and B, stakeholders, farmers, and agriculture lobbies (such as COPA COGECA) have exerted a great influence on the team. On the other hand, interviewees C and D stated that the interests of the EU member states had a high influence on the negotiating team autonomy. In particular, States put in a minority position in the Council 'tried to make their way through the EP, where there was a convergence between the official positions of the governments of those sidelined states and that of the MEPs coming from the same state (it was often the cases of northern or small countries) (int. C). According to interviewees C and D, farmer lobbies and environmental lobbies were an important contributor to the discussion around the CAP reform, but, in the end, they did not exert a high degree of influence. Finally, ministers from the big EU countries organized regular meetings to express their position on a specific topic of the CAP reform. Therefore, the environment outside the European Parliament influences a certain pressure on the team (int. A).

These factors can influence the discretion of the negotiating team. For instance, these external actors can influence the negotiating team to fight for an amendment that, according to the EP, can be left out from the final regulation, but for them is essential, be them stakeholders or national interests.

The present research project tried, through the study of the literature, the study and comparison of official documents, and through interviews, to answer the question of *how to explain the level of discretion enjoyed by the EP negotiating team in the informal trilogues for the 2014-2020 CAP reform?*

To sum up, what can be interpreted from this study is that, firstly, the negotiating team had a high level of discretion in all four CAP regulations, even though the comparison of texts has shown that the four regulations had different success rates. But how was it possible? As previously stated, the comparison suggested a first general idea of how much the EP negotiating team has deviated from the mandate in order to find an agreement. However, the extent of deviation is not necessarily linked with the level of autonomy of an agent acting on behalf of its principal, and it does not tell the full story. In fact, in order to get a deeper analysis of the degree and the reasons behind the EP negotiating team's discretion, the first findings from the comparison of texts needed to be triangulated and supplemented by the qualitative research method of interviews. This is what has emerged.

Firstly, a sentiment of trust from COMAGRI was felt during the entire trilogue negotiations for the CAP reform. This trust translated into a high level of autonomy for the EP negotiating team. Even though no control has been perceived during the negotiating period, but only at the beginning through the EP mandate, the team (especially the rapporteurs and the committee Chair) had the duty to frequently report the development of the negotiations back to COMAGRI. At the same time, rapporteurs and shadow rapporteurs often reported back to their own political groups. Still, it was mostly the team members that confronted themselves on several issues, as the primary tasks were discussed and done within the team itself.

The composition of the team mirrored the composition of COMAGRI, and this helped to increase both the exchange of information between the team itself and COMAGRI and the team's level of autonomy vis-à-vis COMAGRI control throughout the trilogue process. Therefore, the mirroring composition of the negotiating team for the 2013 CAP reform allowed for a decrease in

information asymmetry between itself and COMAGRI. This also allowed for a decrease in biased outcomes, as all political groups were heard during negotiations (Yoshinaka et al, 2010; int. D). The negotiating team compositions also allowed for a decrease in the level of control by COMAGRI during negotiations, and therefore, for more room of manoeuvre for the agent (Laloux, 2017). Thus, the first proposition formulated for the present research - *the EP negotiating team did have a high level of discretion because its composition mirrors that of its responsible committee*- is to be considered supported by the analysis and applicable to the case study.

As far as the context of trilogues was concerned, the interviews showed that, all in all, the organization of the negotiations was very formal, and that these trilogues included strict protocols to follow. Nonetheless, opportunities to negotiate more informally and compromise more easily and quickly have been found. This coincides with Plank's and Niemann's study (2017), as they assumed that the specific context of a policy domain might require a high degree of urgency and complexity, which in turn requires a high degree of flexibility for the agents. Within the case of the 2013 CAP reform, the institutions had the need of closing the negotiations and to vote on the CAP reform by the end of the Irish Presidency semester. Therefore, there was a high degree of urgency, which was felt by all the interviewees, especially by interviewee B. These specificities of the context of the 2013 CAP reform thus required a high degree of discretion for the negotiating team. As a matter of fact, there was a unanimous sentiment among the interviewees that the setting of trilogues contributed to and valorized the negotiating team's high level of autonomy and flexibility while decreasing the levels of control from COMAGRI. Thus, the second proposition formulated for this dissertation- *the informal context of trilogue negotiations led the EP negotiating team to achieve a high level of discretion vis-à-vis its responsible committee's mandate*- is to be considered supported by the analysis and applicable to the case study.

Moreover, future studies should investigate the effects that other factors had on the level of discretion enjoyed by the EP negotiating team during the 2013 CAP reform trilogues and that emerged during the interviews conducted for this research. Firstly, it could be further studied the effect that lobbies, interest groups and stakeholders had during the formulation of the 2013 CAP reform, and especially during the trilogue period. In this regard, the following questions could be a promising starting point for further research on the present case study, or the dissertation topic in general: What impact had lobbies in the formulation of the 2013 CAP reform? What effect did the lobbyist pressure have on the EP negotiating team discretion vis-à-vis its mandate? What impact did stakeholders had on the 2013 CAP reform trilogues? How to explain the level of effect

of lobbies on the MEPs preference during informal trilogues for the 2014-2020 CAP reform? Secondly, the influence of the EU Member States on the negotiating team members has been addressed during the interviews (int. A; int. C; int. D). Therefore, a future research project could further assess what kind of impact the interests of the single EU Member States had on the EP official position and on the negotiating process for the 2013 CAP reform. Moreover, one could also investigate the relationship between the EP political groups and their MEPs in negotiating teams under the lenses of the Principal-Agent theory, as it was pointed out especially during the interview D. According to what has emerged from this last interview, the 'real power' of the team members comes from the political groups rather than from the committee since they are selected through the bidding process by their own political groups, not by the committees. This is true especially for the shadow rapporteurs since they are responsible for having the views of their own political groups heard and represented during trilogues (int. D). Therefore, one could find it interesting to investigate the discretion of the EP negotiating team vis-à-vis the control of the EP political groups, or either to investigate the control level exerted by the political groups on the negotiating team or even individual rapporteurs/shadow rapporteurs during trilogues.

Conclusions

The *discretion* of the European Parliament's (EP) negotiating team in informal trilogues has been the subject at study in this dissertation. Throughout the thesis, the term discretion has been defined as the margin of manoeuvre granted by the principal in the first place and conquered/enjoyed by the agent while executing its delegated task. This definition followed the ones formulated by Delreux and Adriaensen (2019) and by Delreux (2009). This description comes from the Principal-Agent theory literature. The PA theory is a tool employed by academics to understand the dynamics and relationship between actors -the Principals- who delegate their authority to other actors -the Agents- (Brandsma and Adriaensen, 2017). The PA model has been used for studying the relationship between the EP and its negotiating team. In this research, the EP negotiating team is the agent, acting during trilogues on behalf of the European Parliament (the principal). The study for this research is framed in the case study of the 2013 CAP reform. The present thesis tackles the subject from when the Commission proposal has been amended by the EP in March 2013, up until November 2013, when the EP approved the resulting document from trilogues. By doing so, this research tried to answer the question: *how to explain the level of discretion enjoyed by the EP negotiating team in the informal trilogues for the 2014-2020 CAP reform?*

In the first chapter, it has been thoroughly explained how trilogues are informal negotiations between the Council, the European Parliament, and the European Commission. These meetings were originally implemented to fasten the OLP for non-controversial or highly technical legislative measures proposed by the Commission and that needed the approval of both the EP and the Council. Over time, the use of trilogues has been extended to various measures adopted through OLP so as to achieve more efficiency. These tripartite meetings can be conducted at any stage of the OLP, but since the 1999 Amsterdam Treaty, the three institutions started to find agreements through trilogues during the first reading phase.

Concerning the European Parliament's role in these informal meetings, since 2012 it has to be represented by a team negotiating on its behalf. The rapporteurs play a leading role both within the negotiating team and within the walls of the European Parliament. The rapporteurs and shadow rapporteurs are selected through a 'bidding process' from the EP political groups (Corbett et al., 2005). The political groups in the Parliament receive a number of points according to their size and they bid for a report like an auction. Once a party group has obtained the right to choose the rapporteur, the party coordinators in the various responsible committees decide which party member receives the report, mostly based on the party member expertise (as it has emerged from

the interviews, but also stated by Corbett et al., 2005). National party delegations within the political groups also play an important role in this respect, as they tend to fight for their fair share of appointments (Mamadouh and Raunio, 2003). A rapporteur is an MEP charged by the relevant parliamentary committees to draw up a legislative recommendation for the EP to vote on. Given these premises, the rapporteur is considered having a substantial influence throughout the process.

The first chapter also introduced the main features of the CAP, as it is one of the most important policies of the EU, committing around 37% of the its budget. The CAP is structured around two pillars. The first pillar comprises a direct payments scheme and market measures, and it is financed by the EAGF, which provides for annual and non-co-financed funding. The second pillar includes rural development support measures, and it is based on the EAFRD, which provides for multi-annual and nationally co-financed funding (Directorate-General for Communication, 2017). The CAP was established under Article 33 of the Treaty of Rome, it was officially launched in 1962 and, over time, it went under several attempts and actual reforms as new challenges emerged. The 2013 reform was the first one in which the European Parliament (through the work of COMAGRI) was involved as a co-legislator, and during trilogues, the three institutions negotiated on four regulations: Direct Payments; the Single Common Market Organization; Rural Development; and Horizontal Regulation. Following numerous trilogue meetings, a political agreement has been reached. The EP adopted its stance on the 20th November 2013 in first reading. Finally, the CAP reform was implemented after the Council's vote in December 2013.

The second chapter comprehended a chronological and literal review on scientific articles about the PA model and the theory applied to trilogues. Numerous articles have been published on the topic of trilogues, even under the Principal-Agent theory lenses. Nonetheless, there is still little literature analyzing the application of the PA model solely on the autonomy of the EP negotiating team acting as an agent of the European Parliament during trilogues. Instead, scholars focused more on the relation between the Commission as the agent of the EU Member States in international negotiations (to cite some of them: Franchino, 2000; Billiet, 2009; Delreux and Kerremans, 2010; Da Conceiçáo-Heldt, 2010; Niemann and Huigens, 2011; Gastinger and Adriaensen, 2019). Moreover, in these literatures, the study of COMAGRI as a responsible committee was not deeply considered. This is due to the fact that the 2013 CAP reform was the first one in which the Parliament was involved in these tripartite meetings. Instead, deep analyses

of the role of other committees during trilogues have been made (Benedetto, 2005; Häge and Kaeding, 2007; Brandsma, 2015; Roederer-Rynning and Greenwood, 2016).

In the study of the politics of discretion, several factors appeared to influence the level of autonomy of the agent in its relationship with the principal, such as information asymmetry, diverging preferences among a plural or collective principal (thus formed by different principals), preference homogeneity, expertise and entrepreneurial capacities of the agent, the strategical use of principal's control mechanisms by agents, the composition of the agent, the setting in which the agent operates. Still, this dissertation chose to analyze the influence of two factors that were likely to play a role in the 2013 CAP reform trilogues: the *composition of the agent* and the *informal context* in which the agent operates. The choice fell on these two variables because, in addition to having likely played a key role during the 2013 CAP reform, they have been thoroughly analyzed only by a few respected authors (such as Laloux, 2017; Elsig, 2010, Delreux and Adriaensen, 2017; Plank and Niemann, 2017). As said numerous times, since 2012, the EP negotiating team must include, besides the rapporteur, shadow rapporteurs for every political group and the Chair of the responsible committee. Thus, in the case of the relationship between the EP and the EP negotiating team, the agent composition mirrors that of the principal. Therefore, a first proposition has been made: *the EP negotiating team did have a high level of discretion because its composition mirrors that of its responsible committee.* Furthermore, several studies have shown that discretion also depends on the characteristics of the institutional setting in which the agent executes its tasks, such as its level of informality (Delreux, 2011; Niemann and Huigens, 2011). Therefore, a second proposition has been formulated: *the informal context of trilogue negotiations led the EP negotiating team to achieve a high level of discretion vis-à-vis its responsible committee's mandate.*

In order to understand if the two assumptions were to be considered applicable to the research case study, this thesis has developed a precise research method. After the literature review on the Principal-Agent theory, the research proceeded to a data analysis method composed of three steps.

Chapter three included a comparison between the texts of the mandate made in March 2013 (which comprehend the amendments wanted by the Parliament) and the final text approved by the EP in November 2013 and by the Council in December 2013. The comparison was made in order to understand how many Parliament amendments have been included in the final approved text and to get a general idea of how much the EP negotiating team has deviated from the mandate

in order to find an agreement and to maintain those amendments that were considered 'important' for the European Parliament. As already stated in the previous chapters, the extent of deviation is not necessarily linked with the level of autonomy of an agent acting on behalf of its principal, and it does not tell the full story, but it can *hint* the extent of the EP negotiating team's discretion while conducting a negotiation. In fact, to get a deeper analysis of the degree and the reasons behind the EP negotiating team's discretion, the first findings from the comparison of texts needed to be triangulated and supplemented by the qualitative research method of interviews.

Secondly, semi-structured qualitative interviews with a pre-defined set of questions were made. The interviews played a key role in this research, as they shed light on the reason why the agent in the case study enjoys discretion. The interviews were based on a set of questions to be addressed to actors from the European Parliament, such as former members of the negotiation team and officials from the AGRI secretariat. The interviews were conducted with a pre-defined set of questions (15 questions and 5 sub-questions, for a total of 20 questions) on the two factors that are likely to influence the negotiating team discretion during the 2013 CAP reform trilogues: the composition of the negotiating team; the context in which the negotiating team operates. A total of four interviews were held between October 2019 and February 2020.

In chapter four, this dissertation illustrated the case study of the present research: the 2013 CAP reform. This chapter outlines the time frame during which the EP organized itself for dealing with the reform and for entering into tripartite negotiations with its institutional counterparts (between October 2011 and March 2013). Moreover, the chapter has shown the dynamics of the 2013 CAP reform trilogues, such as the development of the working relationship between the three institutions involved in negotiations, the difficulties that the EP encountered (and the strategies used to overcome them), its achievements, and what scholars and experts thought of the overall EP influence over the trilogue negotiations. The chapter also showed how the CAP reform is related to other cases of trilogues.

Finally, in chapter five, the answers collected from the comparison of texts and from interviews were compared between each other and to what the literature background laid in chapter two. This was done to understand if the two propositions previously made were to be considered applicable to the case study of the research. What has emerged is that, over the four CAP regulations, the EP negotiating team had a high level of autonomy. This was possible because, among other things, a sentiment of trust from COMAGRI was felt during the entire duration of the trilogue negotiations

for the 2013 CAP reform. This trust translated into a high level of autonomy for the EP negotiating team, while no control has been perceived during the negotiating period.

The composition of the team mirrored the composition of COMAGRI, and this allowed for a decrease in information asymmetry between itself and COMAGRI. It also allowed for a decrease in biased outcomes, as all political groups were heard during negotiations (Yoshinaka et al, 2010). Finally, the team compositions also allowed for a decrease in the level of control by COMAGRI during negotiations, and therefore, for more room of manoeuvre for the agent (Laloux, 2017). Thus, the first proposition formulated for the present research - *the EP negotiating team did have a high level of discretion because its composition mirrors that of its responsible committee*- was considered supported by the analysis and applicable to the case study.

Regarding the context of trilogues, the interviews showed that, the organization of the negotiations was very formal, and that these trilogues included strict protocols to follow. However, opportunities to negotiate more informally, more easily, and more quickly have been found. On this side, Plank's and Niemann's study (2017) assumed that the specific context of a policy domain might require a high degree of urgency and complexity, which in turn require a high degree of flexibility for the agents, as it was the case of the 2013 CAP reform. There was a high degree of urgency, which was felt by all the interviewees. These specificities of the context of the 2013 CAP reform required a high degree of discretion for the negotiating team. As a matter of fact, there was a unanimous sentiment among the interviewees that the setting of trilogues contributed to and valorized the team's high level of autonomy and flexibility while decreasing the levels of control from COMAGRI. Thus, the second proposition formulated for this research- *the informal context of trilogue negotiations led the EP negotiating team to achieve a high level of discretion vis-à-vis its responsible committee's mandate*- was considered supported by the analysis and applicable to the case study.

The present dissertation expanded the literature in three ways. Firstly, it diversified the subject of the Principal-Agent literature, which in recent years was more focused on the analysis of the Commission acting as the agent of the EU Member States in multilateral negotiations. This was made possible because this thesis decided to analyze the relationship between the EP and its negotiating team under the lenses of the Principal-Agent model, thus following the path laid out by Delreux and Laloux (2018). Therefore, the focus of the PA theory here has shifted from institutions such as the Commission or the Council to the European Parliament, highlighting the

diversity of PA links within the EU institutional framework and bringing to the spotlight new unstudied actors (such as the EP negotiating team, or even the COMAGRI and its Chair). In this sense, the applicability of the two propositions to the CAP reform case study has brought new knowledge to the general literature of the Principal-Agent theory.

Secondly, it focuses on the reason why the negotiating team as the agent enjoys its discretion while being engaged in trilogues. No one in the literature on trilogues has thoroughly studied the determinants of agent autonomy. In this way, the findings of this dissertation expanded the Principal-Agent literature studying the discretion of the agent, as opposed to those scholars who focus on the study of the delegation of authority from principals to agents. In fact, above all, these results supported the fact that the variables *mirroring composition of the agent* and *informal context of trilogue* have an impact on the discretion level of an EP negotiating team, and they can be further analyzed in other case studies focused on the relation between the EP and its negotiating team, besides the Common Agricultural Policy framework. This dissertation has chosen to study the effect of these two variables because, in addition to having played a key role during the 2013 CAP reform, they have not been thoroughly analyzed by the literature, but only by a few respected authors (such as Laloux, 2017; Elsig, 2010, Delreux and Adriaensen, 2017; Plank and Niemann, 2017). Hence, this work expands the literature in this sense, and it hopes that future studies will further analyze the variables that influence the agent's discretion.

Thirdly, the analysis of the discretion of the EP negotiating team during the 2013 CAP reform sheds a light on the role of COMAGRI as the committee responsible for handling the legislative proposal of the reform. Since COMAGRI -as an actor- was not analyzed fully in previous work, this study examined for the first time its role in relation to the negotiating team during trilogues. In the present case study, COMAGRI played a key role by appointing the rapporteurs and shadow rapporteurs to negotiate as a team through a mandate. The only kind of control perceived by the members of the negotiating team from COMAGRI was when the mandate was defined by COMAGRI and the EP. From that point on, the negotiating team was granted a high degree of trust and autonomy, even though its members had to keep COMAGRI and their political groups updated on the development of the negotiations. Moreover, even though the negotiating team was trusted and granted with a high level of discretion, COMAGRI presence was felt during the negotiations thanks to the active role played by its Chair.

This was quite a unique situation (as it was pointed out by Interviewee B) because it is usually the rapporteur the one who manages everything during negotiations with the Commission and the Council. Even interviewee D asserted that the COMAGRI Chair played a decisive role, especially regarding the exchange of information between the team and the committee. The peculiarity of this situation was also hinted by scholars such as Knops and Swinnen (2014). They noted that the COMAGRI Chair was also present in different informal six-a-side meetings organized at the end of the negotiating phase, during which the six people in the room tackled various delicate political issues in a *package* format, giving time to discuss more detailed and technical aspects during the previous trilogues meetings (Knops and Swinnen, 2014). According to them, the COMAGRI Chair was also praised for getting every part in the negotiation to agree on a final text and for playing his role discretely. All these findings highlighted the peculiarity of the role played by COMAGRI as a responsible committee during trilogues, and they explain the necessity to study this EP committee's role under the lenses of the PA theory.

It is important to assess here the specifics of the present case study's findings and how, accordingly, one can apply them beyond this specific case, to the general knowledge about trilogue negotiations. In chapter IV, this research has outlined some key similarities and differences between the case study of the 2013 CAP reform and other European legislative negotiations. Regarding the analogies, it has been stated that- as every trilogue since 2012- the EP has to be represented by a negotiating team, and the framework of the 2013 CAP reform was no exception. This was confirmed by the findings, which showed that the EP was represented during trilogues by a team of 'competent and seriously involved MEPs' (int. B). This first similarity is, thus, relevant both to the present case study and to the general knowledge about trilogues because, as it has been ascertained both here and in various academic papers, the composition of the agent has an impact on its autonomy.

Secondly, it has been stated that the EP negotiating team for the CAP reform case is considered as a collective agent, following the model built by Laloux (2017). It has also been affirmed that this can be applied to every negotiation (following the 2012 reform of the EP Rules of Procedure) in which the relation between the EP and its negotiating team is analyzed. The findings support this generalization, as the negotiating team for the CAP reform also mirrored the composition of its principal, thus decreasing the risks in information asymmetries and biased outcomes (Yoshinaka et al., 2010), but also lowering the level of control exerted by COMAGRI, thus allowing the team more room of manoeuvre. Hence, this aspect makes the 2013 CAP reform

trilogue similar to other tripartite negotiations in which the EP is represented by a negotiating team, as it has been theorized by Laloux (2017).

The findings highlighted a third similarity between this case and the general knowledge on trilogue meetings. Recalling the concept theorized by Obholzer, Hurka, and Kaeding (2019) about the 'chains of delegation', the reader can remember that these scholars had highlighted the relationship between rapporteurs and their political group. In this chain, the rapporteur plays the role of the agent of his or her party group-principal (Obholzer et al, 2019). This chain of delegation that runs from the political groups to the rapporteurs (but especially the shadow rapporteurs) was also perceived in the present case study, as it was pointed out by interviewee D. According to this person, the 'real power' of rapporteurs and shadow rapporteurs comes from the political groups. This link is especially strong for the shadow rapporteurs because they are responsible for representing the views of their own political groups during trilogue negotiations (int. D). In fact, most of the time, the shadow rapporteurs had to report back to their political group (int. D). This finding has an impact on the degree of discretion enjoyed by any EP negotiating team because, as the team plays the role of the agent for the whole EP through the work of the responsible standing committees, its members are also the agents and representatives of the EP political groups, thus linked to different principals with different- and sometimes discordant- interests.

A fourth similarity that showed up from the findings of this research is that the EP negotiating team for the 2013 CAP reform enjoyed a higher level of autonomy and flexibility than the representatives from the Council. In fact, the Council negotiating team always needed to report back for approval, since neither the ministers themselves participate in trilogues. This situation goes beyond the present case study, as this situation has been already studied and theorized by authors such as Knops and Garrone (2014), Broniecki (2018), but also Laloux and Delreux (2018). The latter noticed that, while the major political groups are represented in the negotiation team, and the members can consult with each other during the negotiation in order to obtain a majority large enough to accept the trilogue compromise, the representatives from the Council do not dispose of the same 'on the spot' consultation opportunity (Laloux and Delreux, 2018). This finding thus can be generalized to the wider literature on the theme, as it happens to every trilogue negotiation.

The findings pointed out a fifth crucial similarity between the case and the general knowledge about trilogues. As it has been highlighted by interviewee A, in order to speed the process and to

negotiate more freely from the formal constraints of the trilogue meetings, the representatives of the three EU institutions had the occasion to meet in more informal occasions such as over dinner, for a coffee, or over a beer. Such close meetings for the 2013 CAP reform were also reported by scholars such as Knops and Swinnen (2014). Indeed, in addition to the scheduled and pre-established trilogues, for which several norms have to be respected, both this case study and academic papers such as the one by Roederer-Rynning and Greenwood (2015) attest to the presence of this kind of meetings, from which essential components such as the shadow rapporteurs are prevented to participate. This has a big impact on the autonomy of the EP negotiating team, as it shows that, for various reasons (for instance, the urgency and complexity of the issues at stake), the parties had the ability to negotiate in a more flexible and informal framework, which led the EP negotiating team to enjoy a high level of discretion.

This brings the chapter to discuss some factors that are peculiar to this case have been found. These singularities are specific to the present case study, and cannot, therefore, go beyond it and be generalized. A first peculiarity that has been found concerns, as a matter of fact, the urgency and complexity of the 2013 CAP reform, which is also related to the possibility of negotiating in close meetings previously discussed. In this case, the three EU institutions felt the need of closing the negotiations and to vote by the end of the Irish Presidency, which highlights a high degree of urgency. Moreover, the package negotiation of the four CAP regulations made the trilogues' framework complex. From the findings of the present case study, the urgency and complexity of the negotiation have been felt by the interviewees (especially int. D and int. A), but it has also been pointed out by the literature concerning the topic of the 2013 CAP reform (see Knops and Swinnen, 2014). This peculiarity is of key importance for the case because the factors of complexity and urgency of the 2013 CAP reform trilogue had a significant impact on the discretion of the EP negotiating team, which does not happen for every EU legislative negotiation (since not all trilogues are as urgent and complex).

A second specificity that emerged from the finding, and that thus differentiate the case of the 2013 CAP reform from other trilogue negotiations, is the major active role played by the COMAGRI Chair. As it has been already stated, usually, scholars showed that the key actor of the EP negotiating team during trilogues is the rapporteur (Brandsma, 2015; Reh, 2014; but also int. B). From the interviews, it has emerged that, yes, both the rapporteurs and the COMAGRI Chair had enjoyed a high degree of authority (int. B), and that they had both played an equally key role during trilogues (int. C), but it is important here to point out that it is not common for the figure

of an EP committee Chair to emerge as an important player during negotiations. Interviewee B and D affirmed that 'the role of the committee Chair was more prominent this time' and that the Chair had played a decisive role. In this case, the negotiating team has enjoyed a high level of discretion because of its composition, and thus because of the active role played by the Chair, especially regarding the exchange of information between the team and the committee.

A third and final specificity of this case emerged from the study of the literature of the 2013 CAP reform, which is the number of members of the EP negotiating team: 21 MEPs plus the COMAGRI Chair. As a matter of fact, since the EP needed to negotiate a package of four regulations within the framework of the CAP reform, what should have been separate teams were considered as a single negotiating team by Parliament. In fact, some MEPs were given several roles as rapporteurs or shadow rapporteurs between the various regulations. No other known negotiation had such a high number of MEPs involved, nor several linked regulations negotiated altogether. Nonetheless, this composition, as previously mentioned, had a great impact on the overall level of discretion of the EP negotiating team.

The findings of this study also have consequences on the normative assessment of trilogues, especially on the issue of transparency. Indeed, although the rapporteurs are now part of a negotiating team and they follow more stringent rules in order to pursue the goals of accountability and transparency, the latter issue has always been at the center of numerous academic discussions. In fact, informal trilogues are still not publicly accessible, while information and official documents- which sometimes are of poor quality (Brandsma, 2018)- on the proceedings have to come from the institutions involved. However, for Reh (2014) the inclusion of the EP in the co-decision procedure can bring some accountability and transparency to the trilogue phase since it follows a stricter selection of its representatives while lowering possible sanctions it may impose to the same representatives.

Even the trilogues for the 2013 CAP reform created turmoil on the matter. Several observers viewed the passage from consultation to co-decision as a sign of democratization in the area with the participation to the negotiations of the European Parliament. On the other side, Knops and Garrone (2014) affirm that the democratization of CAP negotiations should also be considered in light of the co-decision procedure and its legislative complexity. This complexity strengthens the society's perception of a distant and dense EU political system that works mostly behind closed doors and through back channels. This also supports the public's view of a lack of transparency,

especially during trilogues, as these negotiations are not open to external actors and the technical matters discussed are not available to the public to know.

What has emerged from the research results, even though the COMAGRI control was not felt during the negotiating period, is that the EP negotiating team had to report back to the EP responsible committee as the negotiation progressed. Moreover, the fact that actors such as the COMAGRI Chair and the rapporteurs were present during the negotiation (who were fully trusted by the COMAGRI), made the exchange of information between the negotiating team and the EP more fluid and easier, making the MEPs involved in trilogues more accountable. The mirroring composition of the negotiating team-agent has also allowed for a decrease in the level of control by the principal during the trilogues, and therefore, for more room of manoeuvre for the agent itself. This composition has also allowed for a decrease in biased outcomes (Yoshinaka et al, 2010; int. D). The low level of control from COMAGRI was deemed necessary, as the EP acknowledged the need for having an informal space to negotiate, outside full transparency and control (Bunyan, 2016).

Even the second variable analyzed by this research (the context of the negotiation) has to be taken into consideration if the issue of transparency has to be discussed. From the interviews it has emerged that, on an organizational level, the trilogue negotiations were rather formal, following rules for formal debate (in. D). Interviewee A added that, while the trilogue context was rather formal and no one deviated from the official position defined with the political groups during trilogues, the three delegations, more than once, 'met informally over dinner, over coffee, over a beer' (int. A), in order to negotiate more freely from the formal constraints of the setting. This means that, in the name of having a more efficient negotiation, sometimes the parties had to meet outside the framework of what the literature knows as 'formal trilogue meetings', thus in a more informal context. This was also perceived by Knops and Garrone (2014), as they pointed out that even six-a-side meetings were organized to accelerate the negotiations over more delicate and political issues. In this format, only the core of the three delegations participated, thus excluding diverse actors such as the shadow rapporteurs.

Therefore, even though there have been some great improvements to increase the accountability and transparency of the EU policymaking, there are still some gray zones. As stated by Obholzer and Reh (2012), the implementation of an EP negotiating team had to balance three key values of legitimate decision-making: effectiveness, transparency, and inclusiveness. The same reasoning

can be applied to the present research since the findings have highlighted how the choices made both by the EP and the negotiating team had to find an equilibrium between transparency and efficiency.

Future studies could further expand the literature by studying the effects that other factors had on the level of discretion enjoyed by the EP negotiating team during the 2013 CAP reform trilogues, and consequently on the issues of transparency, accountability, and efficiency in the EU. Some of these additional factors emerged during the interviews conducted for this research. Firstly, it could be further studied the effect that lobbies, interest groups and stakeholders had during the formulation of the 2013 CAP reform, and especially during the trilogue period. Secondly, a future research project could further assess what kind of impact the interests of the EU Member States had the EP official position and on the negotiating process for the 2013 CAP reform. Finally, one could also investigate the relationship between the EP political groups and their MEPs in negotiating teams during trilogues under the lenses of the Principal-Agent theory, as it was pointed out especially during the interviews.

List of Abbreviation

AGRIFISH	Agriculture and Fishery Council Configuration
ALDE	Alliance of Liberals and Democrats for Europe Party
ANC(s)	Area(s) with Natural Constraints
BPS	Basic Payment Scheme
BUDG	Committee on Budgets
CAP	Common Agricultural Policy
CMO	Common Market Organisation
CONT	Committee on Budgetary Control
COREPER	Committee of Permanent Representatives
COMAGRI	Committee for Agriculture and Rural Development
DEVE	Committee on Development
DG AGRI	Directorate-General for Agriculture and Rural Development
DP	Direct Payment
EAFRD	European Agricultural Fund for Rural Development
ECON	Committee on Economic Affairs
ECR	European Conservatives and Reformists
EFA(s)	Ecological Focus Area(s)
EFD	Europe of Freedom and Democracy
ENVI	Committee on the Environment, Public Health and Food Safety
EP	European Parliament
EPP	European People's Party
EU	European Union
FR	France
G8	Group of Eight
GATT	General Agreement on Tariffs and Trade
Greens /EFA	The Greens/European Free Alliance
GUE/NGL	European United Left/Nordic Green Left
IMCO	Committee on Internal Market and Consumer Protection
IO(s)	International Organization(s)
IT	Italy
LFA(s)	Less Favored Area(s)
LIBE	Committee on Justice, Liberties, and Home Affairs
MDB	Multilateral Development Bank
MEP(s)	Member(s) of the European Parliament
MFF	Multiannual Financial Framework
NGO(s)	Non-governmental organization(s)
OLP	Ordinary Legislative Procedure
PA	Principal-Agent
PBO	Parliamentary Budget Office (of the Houses of the Oireachtas-Ireland)
PT	Portugal
REGI	Committee on Regional Development
S&D	Progressive Alliance of Socialists and Democrats
TFEU	Treaty of the Functioning of the European Union
TTIP	Transatlantic Trade and Investment Partnership
WTO	World Trade Organization
ZOPA	Zone of Possible Agreement

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Annexes

Annex I-Interview questionnaire

Presentation of the research project

In the trilogue literature analyzing the European Parliament role, the study of COMAGRI as a responsible committee was not deeply analyzed, due to the fact that the 2013 CAP reform has been the first one in which the Parliament was involved as a co- legislator, thus involved in trilogues. In the present research project, the objective is to analyze the autonomy of the European Parliament negotiating team for the 2013 CAP reform.
Several factors appear to influence the autonomy of the negotiating team in its relationship with COMAGRI. However, the present research project choses to analyze the influence of two factors that are likely to play a role in the 2013 CAP reform trilogues. The first one is the composition of the negotiating team; the second one is the context in which the team operated during the trilogues negotiations.
The objective of the following interview is to shed a light on the autonomy enjoyed by the negotiating team during trilogues for the 2013 CAP reform. The goal is to interview each member of the EP negotiating team for the 2013 CAP reform with the following set of questions. The identity of the interviewed will remain anonymous, and the answers will be collected for the sole purpose of the present research project.

Interview's questions

- The mandate given by the EP was on four main CAP reform regulations: direct payments, rural development, horizontal regulation and Single CMO. Did the negotiating team enjoy the same level of autonomy for each and every of these reform regulations or were some of them discussed in trilogues less free from the COMAGRI control than others?
    - Why do you think that?

- How much autonomy vis-à-vis COMAGRI control and mandate would you say did the negotiating team have?

- In your opinion, was the negotiation team trusted by COMAGRI?

- How was the composition of the negotiating team in trilogues negotiation for the 2013 CAP reform?

- Did the negotiating team keep COMAGRI updated on developments in the negotiations?

- Did COMAGRI give the negotiating team instructions on the official EP position on various issues during the trilogue negotiations?

- Do you think that the composition of the negotiating team helped increasing the exchange of information (i.e. updates and instructions) between the team and COMAGRI?

- What aspects or key figures of the negotiating team (did not help/) played a role in the exchange of information between the team and COMAGRI?

- How much do you think did the negotiating team composition contribute to its level of autonomy vis-à-vis COMAGRI control throughout the trilogue process?

- Do you believe that the trilogues happened in a context of informality, or did a more formal setting lead the way of the negotiations?

- Do you think that the setting of trilogues negotiations allowed for lower levels of control from COMAGRI, thus giving the negotiating team more autonomy?

- What aspects of the trilogues setting (did not help/) played a role in the level of control from COMAGRI?

- How much do you think did the setting of trilogues contribute to the negotiating team level of autonomy vis-à-vis COMAGRI control throughout the trilogue process?

- If some sort of control has been perceived, was this control perceived before, during or after the negotiating period of the trilogues?

    - If control was perceived *during* the trilogues negotiation, what was the effect on the negotiating team behavior vis-à-vis the Council?
    - For instance, would you say that this kind of control was also instrumental to the negotiating team, in the sense that it allowed the negotiating team to play strategically between itself and COMAGRI (maybe by keeping some information from COMAGRI)?

- Do you believe that other factors influenced the autonomy of the negotiating team?
    - If yes, what other factors do you believe influenced the autonomy of the negotiating team?
    - If yes, how much do you believe did these factors contribute to the level of autonomy of the negotiating team?

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