

Sophie Meunier, *Trading voices: the European Union in international commercial negotiations*. Princeton, Princeton University Press, 2005, 223 pages. ISBN-13: 978-0691-12115-4.

The EC's Common Commercial Policy, bringing exclusive Community competence (the "single voice"), is a much vaunted (and occasionally maligned) institutional feature of the EC. This book examines the effect that this single voice has on the results of the commercial negotiations in which the EC has taken part. Indeed, it is in looking behind the single voice, at the institutional set-up determining what is said, that this book offers the most valuable insights. In a period when the EC has set its sights on a new trade strategy to boost European competitiveness and economic reform (the Global Europe Communication of October 2006) and the ECJ has once more been asked to rule on the extent of the EC's powers over trade (Case C-13/07, *Commission v. Council*) Meunier's book is recommended reading for all those interested in the functioning of EC trade policy, and above all in how the EC's institutional set-up affects that functioning.

It is commonly assumed that the economic power of the EC gives it significant leverage in international trade negotiations. Meunier posits however, that the institutional set-up of the EC has important effects on the outcome of international trade negotiations, and that power, preferences or other variables do not provide a sufficiently nuanced analytical framework. Rather, drawing on the insight that domestic constraints (e.g. inflexible negotiating instructions and highly visible divisions) may confer strength in negotiations she puts forward

a model implying that the degree of competence transferred to the EC, and the extent to which qualified majority voting rather than unanimity voting prevails, may have important determinative effects on the results of international trade negotiations involving the EC. Specifically, Meunier posits that unanimity voting is better at preserving the status quo (because the most conservative Member State has a veto right) yet at the same time less effective in bringing about reform on the part of the negotiating partner (since the EC is unable to be more reformist than the most conservative Member State). On the other hand, where QMV is applicable, the EC is less able to defend the status quo but better equipped to push forward a reformist agenda because it is less susceptible to a divide and rule strategy on the part of a more conservative negotiating opponent.

This thesis is applied to four case studies. First, in the GATT Kennedy Round negotiations, Meunier shows that the result for agriculture amounted to no more than the EC's lowest common denominator by virtue of the EC's inflexibility – caused in particular by De Gaulle's "empty chair" policy. Second, the Uruguay Round negotiations on agriculture are held up as providing an example first of a successful agreement (the first Blair House Agreement) under QMV and then, with the return to unanimity, a return to the more conservative position (the second Blair House Agreement). Third, the EC-US negotiations on public procurement are regarded as successfully bringing about reform (i.e. more market access in the US) built on the reciprocity requirement in EC legislation and QMV which prevented the US from successfully "dividing and ruling" between different EC Member States. The final example of the Transatlantic Open Skies Agreements demonstrates the historical success of the US in dividing and ruling in an area where the Member States refused to accept Community competence.

The case studies lead the author to the conclusion that EC's institutional structure plays an important role in determining the results of the EC's international trade negotiations, and that the simple equation of economic weight and bargaining power is an insufficient explanation of outcomes. Of course, some criticisms can be made as to the value of the model for determining future negotiating results. The assertion of competence, and division between QMV and unanimity does not operate so clinically in practice, and the author may have underplayed this effect in her examination. Trade agreements (in particular, but not exclusively, the WTO Agreements) often bundle together a number of subject matters over which competence and voting rules may well be disputed. The Uruguay Round negotiations were just such a case, with the question of competence being reserved for the end, such that the negotiations took place against a background of uncertainty as to who had competence and which voting rules were applicable. In the end, as is well known, the ECJ found that Member States retained competence for certain aspects of services and intellectual property, while for goods (including agricultural trade) EC competence and QMV was confirmed. Yet the result of mixed competence is effectively unanimity for the whole agreement, including those aspects where the EC is competent and QMV applies. It was arguably the crystallization of this bundling effect which led to the assertion that unanimity rather than QMV applied to the results of the Uruguay Round and permitted France to force a revision of the first Blair House Agreement, and not a change in the institutional balance from QMV as the author asserts.

These criticisms aside, it seems clear that the predictive value of the model is particularly strong where the relevant rules are clear, as the procurement example demonstrates. There can be little doubt therefore that the model presented in *Trading Voices* offers important insights and sets the basis for further research into this area. It is worthy of attention as the first serious attempt to decipher in a theoretical manner the EC's trade policy and is instructive reading for anyone interested in ensuring that the ambition currently associated with the EC's trade policy is in fact put into practice.

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