

Online Appendix

Section 1 Data

The empirical data analysis relies on within-method triangulation of qualitative and quantitative data acquired through document analysis, semi-structured interviews (Table 1), and participant observation. Triangulation allows for identification of biases from interview and fieldwork data, and selection bias on the account of the author regarding the analysed documents. Combining several independent empirical sources strengthens the objectivity and factual correctness of the observations (Flick, von Kardoff, & Steinke, 2004; Thurmond, 2001). This is essential mainly because of the high reliance on fieldwork data, in turn resulting from the informal nature of the research subject (Christiansen & Neuhold, 2013).

The fieldwork consists of in-depth interviews with relevant institutional actors and a high degree of interaction through participant observation. The interview data is based on 8 semi-structured, in-depth interviews conducted between October 2015 and July 2016 with Commission, Council and Parliament officials who were directly involved in the inter-institutional organisation for EU trade and TTIP negotiations. Detailed information about the interviews and motivation of the choice of respondents can be found below. During a five-month traineeship, from October 2016 until February 2017, I participated in the daily routines of the secretariat of INTA, gathering and recording detailed data through note-taking. The secretariat was aware of the research being conducted during the traineeship. The participant observation took place after the interview stage and was therefore guided by knowledge obtained from the interviews. The interview data allowed to identify important actors, timestamps and informal decision-making procedures, which resulted in a clearly delineated and effective observation. The documents were obtained throughout the fieldwork, as well as from online repositories of different EU institutions and through public access to documents requests. The complete list of institutional documents is included below.

Interview respondents

The majority of interview respondents from different EU institutions was present in the same meetings covering TTIP-related matters, and therefore are considered to provide first-hand evidence from their respective institutional angles. However, most respondents were not directly involved in formulating TTIP transparency policy, which reduces the possibility of a motive for providing a biased account of events. The relatively low number of respondents is a result of the limited number of administrators in each institution directly involved in the inter-institutional organisational aspects of TTIP decision-making. Document analysis and participant observation were used to make up for this limited number of interviews. All interviews took place in Brussels, Belgium.

Table 1 Interview data

Date	Respondent	Interviewer
27 October 2015	Commission Official	Evelyn Coremans
29 January 2016	Commission Official	Evelyn Coremans
4 February 2016	Council Official	Evelyn Coremans
18 April 2016	Parliament Official	Evelyn Coremans
21 April 2016	Parliament Official	Evelyn Coremans
4 May 2016	Parliament Official	Evelyn Coremans
12 June 2016	Commission Official	Johan Adriaensen
18 July 2016	Commission Official	Johan Adriaensen

Semi-structured interview questions

The following forms a general list of questions and follow-up questions, the answers to which served as empirical material for this paper. Because the interviews were conducted as part of a bigger research project, the questions reflected here were in most cases combined with questions probing into other elements of EU decision-making as well. Some terms in the questions were altered depending on which EU institution or external organisation the respondent belonged to, yet the wording remained the same. While most questions were part of each interview, not every interview contained all of the below questions depending on the nature and level of the respondent's involvement in EU trade policy and TTIP negotiations. Some questions were not repeated in later interviews, depending on whether saturation of knowledge for a particular element had already been reached at that stage in the research.

1. Role of respondent in EU trade policy
 - 1.1. How long have you been involved in EU trade policy and external trade negotiations?
 - 1.2. Could you briefly explain the functions and tasks that you fulfil in EU trade policy and external trade negotiations?
 - 1.3. What is the role of your institution/organisation in trade agreement negotiations?
2. EU trade policy after Lisbon
 - 2.1. Which procedures are in place within your institution/organisation in order to follow up on trade negotiations?
 - 2.2. Did the Lisbon Treaty change the inter-institutional decision-making process and/or relationships between the EU institutions?
 - 2.3. If so, how?
3. Public controversy related to TTIP
 - 3.1. Have you observed changes in public involvement or attention from civil society (engagement, requests) for trade policy during the TTIP negotiations?
 - 3.2. Has the public attention for TTIP affected the relationship with other units within your institution?
 - 3.3. Has the public attention for TTIP affected the relationship between your unit/institution/organisation and (other) EU institutions involved in the negotiations?
4. TTIP transparency policy
 - 4.1. Who decides the transparency policy for TTIP?
 - 4.2. What kinds of documents are being distributed between the involved EU institutions
 - 4.3. How are documents distributed?

- 4.4. Does the need for confidentiality vary between stages of the negotiations?
 - 4.5. How is the transparency policy for TTIP different or similar to other trade agreement negotiations?
 - 4.6. What do you think will be the main effects of the increased transparency for TTIP?
 - 4.7. What have the consequences of the increased transparency been for you/your unit/institution/organisation?
 - 4.8. Has your unit increased in size?
 - 4.9. Negotiators often mention time invested in public explanations as a cost. Have you noticed this as well?
 - 4.10. Have you noticed that actors have resorted to secluded communication, for instance to prevent information from being leaked?
 - 4.11. What are the main benefits of the TTIP transparency policy for you/your unit/institution/organisation?
 - 4.12. What are the main costs of the TTIP transparency policy for you/your unit/institution/organisation?
 - 4.13. Despite the increase in transparency for TTIP, the demand for it has not decreased. How would you explain this tension?
5. TTIP-specific coordination practices/procedures
 - 5.1. How do you communicate with other institutions about TTIP?
 - 5.2. Do these practices/procedures differ from other trade negotiations?
 - 5.3. If so, how?
 - 5.4. Have these practices/procedures changed over time?
 - 5.5. Which practices/procedures are used most?
 - 5.6. What are the main benefits of using formal/informal practices/procedures in inter-institutional coordination?
 - 5.7. What are the main costs of using formal/informal practices/procedures in inter-institutional coordination?
 - 5.8. How important is informal coordination in the inter-institutional decision-making process?

List of institutional documents

- Commission (2000). *Code of good administrative behaviour. Relations with the public* (OJ L 267/63). Brussels, Belgium: European Commission.
- Commission (2004). *Report from the Commission on the implementation of the principles in EC Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents* (COM(2004) 45 final). Brussels, Belgium: European Commission.
- Commission (2013). *Arrangements on TTIP negotiation documents*. Brussels: European Commission.
- Commission (2014). *Communication to the Commission concerning transparency in TTIP negotiations* (C(2014) 9052 final). Strasbourg, France: European Commission.
- Commission (2015a). *Report from the Commission on the application in 2015 of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents* (COM(2016) 533 final). Brussels: European Commission.
- Commission (2015b). *Trade for all: Towards a more responsible trade and investment policy*. Luxembourg: Publications Office of the European Union.
- Commission (2015c). *European Trade Policy Day 23 June 2015 Report*. Brussels, Belgium: Commission.
- Commission (2015d). *Comments of the Commission in reply to further suggestions from the European Ombudsman in her closing decision*. Retrieved from: <https://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/59343/>
- Commission (2015e). *Final Report EU-US Trade Agreement Negotiations Background briefing for journalists* (Ares(2016)2279447). Brussels, Belgium: European Commission.
- Commission (2016a). *Your application for access to documents - Ref GestDem No 2015/1011* (trade.dga2.e.1(2016)2948265). Brussels, Belgium: European Commission.
- Commission (2016b). *Your application for access to documents - Ref GestDem 2015/4320* (trade.a.3.dir(2016)1139596). Brussels, Belgium: European Commission.
- Commission (2016c). *Your application for access to documents - Ref GestDem No 2015/1011* (Ares(2016)3177598). Brussels, Belgium: European Commission.
- Commission (2016d). *Vademecum on Access to Documents* (Ares(2016)5752766). Brussels, Belgium: European Commission.
- Commission (2016e). *Your request for access to documents – Ref GestDem No 2016/4892* (trade.a.3.dir(2016)6218453). Brussels, Belgium: European Commission.
- European Court of Justice (2014). *Case C-127/13 P, Strack v Commission, Judgment of the European Court of Justice (Second Chamber) of 2 October 2014*. EU:C:2014:2250.

- Parliament (2010). *European Parliament resolution of 10 March 2010 on the transparency and state of play of the ACTA negotiations* (P7_TA(2010)0058). Brussels, Belgium: European Parliament.
- Parliament (2013). *European Parliament resolution of 15 January 2013 with recommendations to the Commission on a Law of Administrative Procedure of the European Union* (2012/2024(INL)). Brussels, Belgium: European Parliament.
- Parliament (2014a). *Minutes of meeting of 1 April 2014* (INTA_PV(2014)0401_1). Brussels: European Parliament.
- Parliament (2015a). *Access to TTIP-related documents—Comprehensive agreement on operational arrangements between the INTA Committee and DG TRADE* (D321485). Brussels: European Parliament.
- Parliament (2015b). *Question for written answer to the Commission* (E-003185-15). Brussels, Belgium: European Parliament.
- Parliament (2015c). *Public Access to Documents 2014. Bureau Contribution to the European Parliament's Annual Report*. Brussels, Belgium: European Parliament.
- Parliament (2015d). *Opinion of the Committee on International Trade for the Committee on Constitutional Affairs on transparency, accountability and integrity in the EU institutions* (2015/2041(INI)). Brussels: European Parliament.
- Parliament (2015e). *Discharge 2013: EU general budget - European Commission and Executive Agencies* (P8_TA(2015)0118). Brussels, Belgium: European Parliament. Retrieved from: <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=P-2014-010287&language=EN>
- Parliament (2015f). *Answer given by Ms Malmström on behalf of the Commission to Question for written answer P-010287/14* (P-010287/2014). Brussels, Belgium: European Parliament. Retrieved from: <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=P-2014-010287&language=EN>
- Parliament (2015g). *Minutes of meeting of 13-14 July 2015* (INTA_PV(2014)0903_1). Brussels: European Parliament.
- Parliament (2015h). *Minutes of meeting of 30 November and 1 December 2015* (INTA_PV(2015)1130_1). Brussels: European Parliament.
- Parliament (2016). *Question for written answer to the Commission* (E-004832-16). Brussels, Belgium: European Parliament.

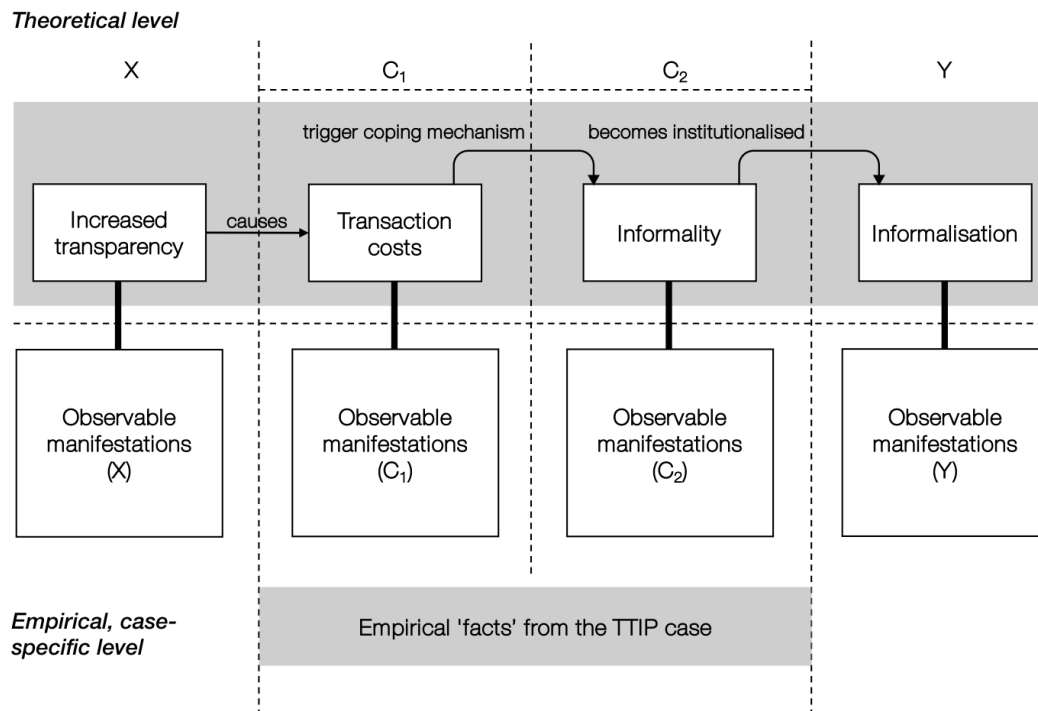
References

- Christiansen, T., & Neuhold, C. (2013). Informal Politics in the EU. *Journal of Common Market Studies*, 51(6), 1196–1206. <https://doi.org/10.1111/jcms.12068>
- Flick, U., von Kardoff, E., & Steinke, I. (2004). *A Companion to Qualitative Research*. London: Sage Publications.
- Thurmond, V. (2001). The Point of Triangulation. *Journal of Nursing Scholarship*, 33(3), 253–258. <https://doi.org/10.1111/j.1547-5069.2001.00253.x>

Online Appendix

Section 2 Methodology

Figure 1 Causal mechanism of transaction costs



Adapted from Beach & Pedersen, 2013, p. 15

Process-tracing Mechanism

As a first step, I conceptualise a causal mechanism of transaction costs based on existing theorisations about effects of transparency policy and qualities of informal decision-making. This resulted in a two-part mechanism (C1 - C2), with each of the parts individually insufficient but together necessary to produce the outcome (Figure 1, top level). Following set-theoretic logic, it is not hypothesised that a larger increase in the cause (i.e. transparency) results in a higher outcome (i.e. informalisation), as such an understanding sees the concepts as variables and not conditions. In the same vein, a set-theoretic conceptualisation of the cause and outcome is based on differences in kind: the concept is either present or not (Beach & Pedersen, 2013).

The second step is to operationalise this causal mechanism by translating the theoretical expectations into case-specific empirical predictions of what expected observable manifestations each of the parts should have if the mechanism is present in the case (Figure 1, middle level). Each part of the theorised causal mechanism should leave the predicted observable manifestations in the empirical material.

This operationalisation is inspired by existing empirical work and prior contextual knowledge of the case.

Thirdly, the underlying theoretical mechanism is tested in the empirical case (TTIP negotiations) by collecting empirical evidence that can be used to update our confidence in whether all parts of the causal mechanism were present in the case, and whether it functioned as predicted (Figure 1, bottom level). Empirical evidence consists of empirical observations (as raw data) that have been assessed for accuracy and interpreted based on case-specific contextual knowledge. Hence, in this step I infer from the empirical evidence that the theorised mechanism – both the different parts and the causal forces between them – was either present or not present in the case. To establish the inferential quality of the empirical evidence, certainty and uniqueness are determined for each observable manifestation, which then establishes the strength of the causal test that the hypotheses for each individual part of the mechanism have to pass (Table 2).

Empirical evidence, certainty, uniqueness and causal tests

Ascribing to the concept of ‘equifinality’, finding evidence of the proposed causal mechanism in the case study does not exclude the possibility of the presence of other causal mechanisms, nor does it mean that claims can be made about the necessity of the mechanism for providing the outcome. In particular when studying institutional informality, ‘the same phenomenon may be accounted for by different theories [...]’ (Héritier, 2012, p. 344). However, finding evidence of the theorised causal mechanism does allow us to conclude that it was present and sufficient for the outcome to occur within this case. Hence it can provide insight into causal direction and un-black-box correlations between two phenomena.

Following Bayesian inferential logic, the empirical tests of each part of the mechanism serve to update the degree of confidence in the hypotheses of the individual parts (and ultimately the whole mechanism) in light of the found (or absent) empirical evidence. The key is to maximise the inferential power of the empirical evidence. The value of the evidence is judged based on Bayes’ theorem, which states that our belief in the validity of a hypothesis (about the existence of each part of the mechanism), after collecting evidence (posterior), is ‘equal to the probability of the evidence conditional on the hypothesis being true relative to other alternative hypotheses (likelihood), times the probability that a theory is true based on our prior knowledge’ (prior) (for a detailed explanation of Bayes’ theorem, see Beach & Pedersen, 2013, p. 83).

Essentially, this means that a single piece of evidence can have a large enough inferential weight to significantly update our confidence in the validity of the hypothesis, and thus, the presence of the theorised part of the mechanism in the case. Consider a hypothesis (for a single part of the mechanism) that is based on a theoretical explanation that a priori is considered less likely to be true, compared to more probable alternative hypotheses, based on existing theorisations and prior knowledge of the case. If then the predicted evidence for that less-likely hypothesis is found in the empirical research, such surprising evidence allows significant updating of our confidence in the validity of the predicted (a priori less-likely) hypothesis. As the transaction cost thesis is by far the most underexplored option with regards to linking increased transparency and informalisation, finding specific evidence for this causal mechanism will also significantly update our confidence in the causal inferences (Beach & Pedersen, 2013).

In order to determine the inferential value of observable manifestations, both the certainty and uniqueness of the evidence need to be established. If the evidence has to be found in the empirical record to confirm the validity of the hypothesis, it has a high certainty. If it does not need to be found – i.e. if there might be other possible evidence found that can also confirm the validity of the hypothesis, it has low certainty. Determining the uniqueness relies on answering the question: if the evidence is found, can we explain it using alternative hypotheses? If no, the evidence is highly unique; if yes, it has low uniqueness. Both elements are determined for each piece of evidence expected to be found in the case study, for all parts except the cause (as this has no hypothesis to be

verified). The four different combinations of certainty and uniqueness determine the strength of the test that a hypothesis has to pass if we are to update our confidence in its validity.

A *straw-in-the-wind test* applies to hypotheses that rely on low certainty and low uniqueness of evidence. It therefore does little to update or reduce confidence in the validity of the hypothesis. A *hoop test* relies on evidence that has high certainty but low uniqueness, and therefore cannot update our confidence in the validity of the hypothesis if the evidence is found. However, if the evidence is not found (the hypothesis does not pass the hoop test), confidence in the validity of the hypothesis is reduced. If the hypothesis passes a *smoking gun test* (evidence with low certainty but high uniqueness is found), confidence in the validity of the hypothesis is significantly updated but if the evidence is not found, we cannot make any conclusions regarding the validity of the hypothesis. Finally, a *double decisive test* (evidence with high certainty and high uniqueness) enables us to update confidence in validity of the hypothesis if the predicted evidence is found. If the evidence is not found, it reduces confidence in the validity of the hypothesis (Beach & Pedersen, 2013).

Table 2 contains the certainty and uniqueness for each piece of expected evidence in the case, and whether the hypothesis has passed the associated causal test. The collected evidence for the individual parts is non-comparable, meaning that the (types of) evidence needed to test whether the individual parts are present can be very different between parts. Similarly, the same causal mechanism may have completely different observable manifestations in different cases, and what counts as evidence in one case is not necessarily evidence in another case – hence observations are also non-comparable across cases (Beach & Pedersen, 2013).

Table 2 Observable manifestations, certainty, uniqueness and causal tests

	Observable manifestations (kind of evidence)	Certainty, uniqueness and causal test
C ₁	1. References to transaction costs from increased transparency for Commission in institutional documents and interviews (account)	High certainty: drawing on precedents, we have to find references to transaction costs to prove their presence. High uniqueness: if found, the references cannot be explained by alternative hypotheses. The evidence was found: the hypothesis passes the double decisive test.
	2. Increase in DG Trade's staff numbers for dedicated transparency policy staff (trace) 3. References in interviews indicating cognitive cost for Parliament (account) 4. Greater technicality in inter-institutional discussions (trace)	Low certainty: there can be other transaction costs besides more staff, cognitive challenges or more technical discussions. Low uniqueness: increasing staff numbers can be explained by budget increase or staff reshuffle. Cognitive challenges or greater technicality can follow from higher technicality in external negotiations, not necessarily provision of more (technical) information by DG Trade. The evidence was found: the hypothesis passes the straw-in-the-wind test.
	5. References in institutional documents to TTIP-specific reconfiguration of classification systems (account)	Low certainty: there can be other transaction costs besides reconfiguring classification systems. High uniqueness: if found, the evidence of TTIP-specific changes cannot be explained by alternative hypotheses. The evidence was found: the hypothesis passes the smoking gun test.
C ₂	6. New or updated DG Trade-INTA informal working practices (trace)	High certainty: we have to find traces of new or updated informality to prove its presence. Low uniqueness: the presence of informality can be explained by confidentiality arguments. The evidence was found: the hypothesis passes the hoop test.
	7. Increased frequency of informal contacts (pattern)	Low certainty: there may be other evidence of informality besides increased frequency of informal contacts. Low uniqueness: the presence of informality can be explained by confidentiality arguments. The evidence was found: the hypothesis passes the straw-in-the-wind test.
	8. Changes in informality happening after increase in transparency (sequence)	High certainty: we have to find evidence that increased transparency preceded increased informality. Low uniqueness: the presence of informality can still be explained by confidentiality arguments. The hypothesis does not pass the hoop test, as sequence evidence was not found. However, because of the incremental and <i>ad hoc</i> nature of informality, the sequence is muddled and therefore cannot be trusted.
	9. Interview data confirming hypothesized connection (account)	Low certainty: there may be evidence from leaked documents or institutional communication that proves hypothesis. High uniqueness: if found, the evidence cannot be explained by alternative hypotheses. The evidence was found: the hypothesis passes the smoking gun test.
Y	10. More systematised and structured informal practices, with set meeting frequency and schedules (trace)	High certainty: we have to find evidence of systematization to prove institutionalisation. Low uniqueness: the presence of systematization can be explained by rational choice or historical institutionalist arguments. The evidence was found: the hypothesis passes the hoop test.
	11. Similarities with other, already institutionalised informal relations in terms of dynamics, interaction patterns and structure of informal contacts (trace)	Low certainty: DG Trade-INTA informality does not need to show similarities to other inter-institutional informality to be identified as institutionalised. Low uniqueness: the similarity can be explained by historical institutionalist arguments. The evidence was found: the hypothesis passes the straw-in-the-wind test.
	12. Interview and observation data confirming socialisation dynamics (account)	High certainty: we have to find references to norm development to prove socialization dynamics. High uniqueness: if found, the evidence cannot be explained by alternative hypotheses because of focus on norms. The evidence was found: the hypothesis passes the double decisive test.

Source: Own table.

References

- Beach, D., & Pedersen, R. B. (2013). *Process-Tracing Methods. Foundations and Guidelines*. Ann Arbor: University of Michigan Press.
- Héritier, A. (2012). Formal and informal institutions in the EU's legislative process. In T. Christiansen & C. Neuhold (Eds.), *International Handbook on Informal Governance* (pp. 335–353). Cheltenham: Edward Elgar.