

The Version of Record of this manuscript has been published and is available in the *Journal of European Integration* 18/06/2024 at <http://www.tandfonline.com/10.1080/07036337.2024.2360165>.

Suggested citation: Bardou, M. (2024). *Quiet early bird or loud late riser? Parliamentary activities and types of European Parliament involvement during the negotiation of international agreements*. *Journal of European Integration*, 47(1), 43–61. <https://doi.org/10.1080/07036337.2024.2360165>

Quiet early bird or loud late riser? Parliamentary activities and types of European Parliament involvement during the negotiation of international agreements

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Funding details: Marine Bardou is an Aspirante of the Fonds de la Recherche Scientifique -FNRS.

Disclosure statement: no potential conflict of interest is reported by the author.

Supplemental material: a methodological annex is submitted with this paper. It provides more details on the data and methods used.

This paper inductively distinguishes six types of European Parliament (EP) involvement in the negotiation of international agreements. Since 2009, the EP has veto power on international agreements and has leveraged it through various activities such as resolutions. However, there exists no cross-case characterization of the EP's involvement. Therefore, this paper asks: what are the types of EP involvement during the negotiation of international agreements? To systematically compare the nature, frequency and timing of EP activities,

sequence analysis is applied to a dataset of EP activities relative to the 344 agreements concluded since 2009. For a majority of agreements, the EP acts as a ‘bystander’ and does not conduct any activities. When it does conduct activities, the EP most frequently acts as a ‘loud late riser’ and is active only during the ratification stage. For other agreements, EP involvement is very diverse regarding the timing and frequency of activities.

Keywords: European Parliament; international agreements; consent procedure; timing, EU external action; sequence analysis

Introduction

Since the entry into force of the Lisbon treaty, the European Parliament’s (EP) consent is necessary for the conclusion of most international agreements negotiated by the European Union (EU). But the EP’s veto power over the conclusion of international agreements is not a standalone tool. Beyond taking a decision on consent, the EP is involved through a wide variety of activities: it adopts resolutions, holds plenary debates, asks parliamentary questions and produces expertise. Even if there is ample evidence that the EP conducts many activities relative to international agreements (e.g. Meissner, 2016), there currently exists no cross-case, systematic characterization of the EP’s involvement during the negotiation of international agreements. Therefore, this paper asks: what are the types of EP involvement during the negotiation of international agreements? I argue that the types of EP involvement can be identified by examining the timing of EP activities. Indeed, the output of EP activities depends upon the stage of the decision-making process during which its activities are conducted (Ripoll Servent, 2014, pp. 570–571).

The paper inductively characterizes six types of EP involvement. For that purpose, it systematically compares EP activities conducted for 344 agreements subject to EP consent and concluded by the EU since the entry into force of the Lisbon treaty.

The paper relies upon an original, comprehensive dataset of EP activities compiled from various sources. This dataset is analysed utilizing sequence analysis. Sequence analysis relies on an optimal matching algorithm which takes into account the timing, nature and frequency of EP activities in order to compare patterns of EP activities.

The EP's veto power enables the EP to participate, through its activities, in the making of a dense web of international law. In an anticipatory logic, other actors need to take the EP's concerns into account in order to avoid an EP veto, particularly the Commission which generally negotiates on behalf of the EU (Delreux & Burns, 2019; Meissner, 2016, p. 286; Ripoll Servent, 2014). In the European constitutional tradition, the powers of parliaments in foreign policy are generally limited (Thym, 2008). But at the same time, the role of parliaments in international relations has been growing (Bajtay, 2015). In many liberal democracies, parliaments have been self-assertive and sought a greater role regarding international relations (inter alia Herranz-Surrales, 2017; Lipps, 2021; Reslow, 2019). This evolution has been documented including in policy areas such as security policy, which is generally associated with a particularly strong dominance of the executive (Haesebrouck & van Immerseel, 2020; Wagner et al., 2018). Gaining an overview of EP activities in the making of international agreements allows to characterize the role of the EP in this context, and provides a benchmark for future research.

Better understanding the EP's involvement in the negotiation of international agreements is crucial. Through its activities, the EP contributes to the elaboration of a sizeable part of the EU's external action. The EU concluded over 400 agreements since 2009 in a variety of policy fields. This includes for example trade, environment or fisheries, but also many other policy fields. These agreements often have an important economic, social or environmental impact on the EU and its (geopolitical) environment.

At the same time, the EP often claims to bring a value-based dimension to EU foreign policy, and has built an image of being a champion for issues such as environmental protection and human rights. Therefore, enhancing knowledge of the EP's input in the negotiation process of international agreements is key.

The paper distinguishes six types of EP involvement. The most frequent type of EP involvement is that of a 'bystander', as for over half of the agreements the EP does not conduct any activities. When the EP does conduct activities, it is most frequently involved as a 'loud late riser', where EP activities occur late, during the stage of ratification of agreements. However, there also are agreements for which the EP is involved as a 'halfway incomer', as a 'quiet early bird', as a 'maximalist contributor' and as an 'intermittent contributor'. Taken together, the paper demonstrates that the EP is most frequently *not* actively involved. When it does conduct activities, its involvement is generally limited to the ratification stage, during which policy choices are already made and parliamentary activities focus on communication objectives.

This paper is structured as follows. First, I introduce the procedure for the negotiation of international agreements and the different EP activities. Second, I outline the conceptual framework utilized to tackle types of EP involvement. Third, I explain the data and methods. Fourth, the six types of EP involvement are presented and fifth, their implications discussed.

The EP in the consent procedure: limited formal powers, a veto-leveraging potential

The procedure for negotiating international agreements is provided by article 218 of the

Treaty on the Functioning of the European Union (TFEU)¹. Pursuant to article 218 TFEU, the Commission first proposes to the Council to authorize the opening of negotiations. Then, the Council decides upon this authorization, most of the time by adopting a negotiating mandate. Second, on the basis of this negotiating mandate, the Commission negotiates with the third country, or group of countries in the case of multilateral settings. Third, the Commission proposes the signature of the agreement to the Council. Finally, the Commission proposes its conclusion (i.e. ratification) to the Council.

The EP has a limited but crucial power in this procedure. Since December 2009, EP consent is required in most cases for the Council to take its decision on the conclusion of agreements (Kleizen, 2016). Beyond its right to consent, the EP has pursuant to article 218(10) TFEU the right to be informed ‘immediately and fully’. The paper focuses on agreements subject to EP consent. Such agreements are the most common configuration post-Lisbon, and the one in which the EP has most potential to get involved in. It also ensures that all negotiation processes studied in the paper are subject to the same legal rules.

Article 218(6)(a) lists some policy fields in which international agreements are subject to EP consent, and provides that consent is as well required for ‘agreements covering fields to which either the ordinary legislative procedure applies, or the special legislative procedure where consent by the European Parliament is required’. In practice, according to the comprehensive database built for this paper, there are seven

1. Additional provisions are made for trade agreements at article 207 TFEU. Agreements concerning monetary or foreign exchange regime are negotiated on the basis of article 219 TFEU, which provides that the EP is ‘consulted’. Less than 10 agreements were concluded on this latter basis since the entry into force of the Lisbon treaty (own database).

(main) policy fields subject to EP consent: trade, justice and home affairs, fisheries, foreign affairs and enlargement, environment, transport and industry and research. By contrast, the agreements not subject to EP consent are (mainly) agreements concerning exclusively the Common Foreign and Security Policy (CFSP).

The EP has only denied its consent three times since 2009 (Kleizen, 2016; Ott, 2016)². It rather leverages its veto power to give weight to its involvement through other means. Existing research has demonstrated that there is an array of formal and informal activities through which the EP gets involved. For example, the EP frequently adopts resolutions about international agreements (da Conceição-Heldt, 2017; Delreux & Burns, 2019), or has formal and informal contacts with the Commission (Kerremans et al., 2019; Meissner, 2016). Such EP involvement has been documented in several policy fields: trade (e.g. Van den Putte et al., 2015), association agreements (e.g. Moskalenko, 2014), environment (e.g. Delreux & Burns, 2019), justice and home affairs (e.g. Meissner, 2016), but also fisheries (Zimmermann, 2019). This repeated use of formal and informal activities has led to underline the ‘deep parliamentary integration’ of the EP in the negotiation of international agreements (Roederer-Rynning, 2017).

Existing research has highlighted how, through these activities, the EP leverages its veto power. EP activities are mostly directed at the Commission, which is the EU negotiator. By anticipation, the Commission has, to some extent, to take into account the EP’s concerns expressed via these activities (Delreux & Burns, 2019; Ripoll Servent, 2014). This, however, presupposes that the EP’s veto is credible and the fact that it has been used three times is crucial (Di Paola, 2003; Meissner, 2016; Monar,

2. Anti-Counterfeiting Trade Agreement ACTA (in 2011), the so-called SWIFT agreement (in 2010) and a fisheries protocol with Morocco (in 2011).

2010). At the same time, the negotiation dynamic also projects a ‘shadow’ on the EP’s consent, because as negotiations progress, it is increasingly difficult for the EP to jeopardize the result of a whole negotiation process and to deny consent. EP veto-leveraging has been documented in several cases. For example, the EP made its consent conditional upon the inclusion of specific elements in agreements, such as human rights clauses (e.g. Frennhoff Larsén, 2017).

While the existing literature has demonstrated that the EP has been strongly involved in several instances, there is also evidence that EP veto-leveraging is not systematic and that EP (non) involvement varies from negotiation to negotiation. For example, the EP got involved less for some trade or fisheries agreements than for others (Héritier et al., 2019; Zimmermann, 2019). However, this variation in EP involvement remains underexplored.

To my knowledge, only approximately 15 agreements out of the over 400 concluded since December 2009 were studied from the point of view of EP activities. In trade, this is the case of the Transatlantic Trade and Investment Partnership (TTIP) and Comprehensive Economic and Trade Agreement (CETA) (Roederer-Rynning, 2017), the Anti-Counterfeiting Trade Agreement (ACTA) (Ripoll Servent, 2014), but also of the Free Trade Agreements (FTAs) with South Korea, Peru and Colombia (Van den Putte et al., 2015), India (Frennhoff Larsén, 2017), Singapore (McKenzie & Meissner, 2017), Vietnam (Sicurelli, 2015), Japan (Frennhoff Larsén, 2020), and the Mercosur (Pasquariello Mariano & Luciano, 2019). In the case of overarching agreements of cooperation comprising trade elements, the existing literature has tackled the association agreement with Ukraine (Moskalenko, 2016), and the agreement with the United Kingdom post-Brexit (Closa, 2020). In the field of environment and climate change, there are studies of EP involvement in the negotiation of the Paris agreement

(Biedenkopf, 2019; Delreux & Burns, 2019). In justice and home affairs, the so-called SWIFT agreement (Meissner, 2016) and an EU-Japan agreement on legal assistance in criminal matters (Fahey & Wieczorek, 2022) were studied. Finally, EP involvement in the negotiation of fisheries agreements with Mauritania and Morocco has been investigated (Zimmermann, 2019).

Taken together, almost all of these agreements are relatively salient and the majority of them is devoted to trade or comprises trade components. Thus, existing research provides a restricted overview of EP involvement in the negotiation of international agreements. As a result, it is unclear whether the patterns of EP activities described in the existing literature constitute the rule, or rather the exception. The paper therefore seeks to identify the types of EP involvement during the negotiation of international agreements.

In order to tackle types of EP involvement, the paper focuses on EP activities that strongly commit the EP or its components, in particular vis-à-vis the Commission, and hence that are formal and public. That is not to downplay the importance of informal activities, such as interactions with the Commission. However, focusing on such activities ensures their comparability and that they can be approached in a perspective of veto-leveraging. The paper therefore studies four EP activities: resolutions, plenary debates, parliamentary questions and expertise reports.

First, the EP regularly adopts resolutions about international agreements under negotiation. This allows the EP to make its views on the content of (envisaged) agreements known, sometimes very early in negotiation processes, when the mandate is not established (Hart, 2020). Crucially, these resolutions allow the EP to outline its priorities regarding the content of agreements (Frennhoff Larsén, 2017).

Second, the EP as a whole can hold plenary debates. These plenary debates are exclusively devoted to the agreement. They take place as part of the procedure to decide on EP consent, just before the vote in the plenary. While the EP always has to vote on giving or withholding its consent to agreements, the organization of a plenary debate before this vote is optional. The vote itself being always organized, it is not considered as a type of EP activity. Plenary debates are unlikely to influence substantive EP decisions. Rather, they have a function of communication, between parliamentarians, but also with the executive and the general public (Proksch & Slapin, 2011).

Third, individual MEPs or groups of MEPs can file parliamentary questions, most of the time addressed to the Commission. Parliamentary questions are a relatively low-cost activity, and typically allow parliamentarians to scrutinize the executive even if they do not have much resources at their disposal (Proksch & Slapin, 2011).

Fourth, the research services of the EP, both at central and committee level, provide MEPs with information about agreements under negotiation. Individual MEPs, but also the coordinators of the political groups within committees, can request the drafting of reports which are made public. The issuance of these reports allows MEPs to rely on independent sources of information, in particular to exercise scrutiny (Biedenkopf, 2019).

Taken together, these four activities reflect that the EP is not a monolithic institution. Resolutions and plenary debates involve the whole institution, while parliamentary questions and expertise reports involve some of its components, namely the MEPs and the research service. At the same time, these activities do not serve the same purposes to the same degree as they do not all lead to the formulation of an EP position. Resolutions generally include such a position, while parliamentary questions

and plenary debates can only include the position of individual MEPs, and expertise reports do not per se affirm any such position.

Parliamentary roles, timing of EP activities and types of EP involvement

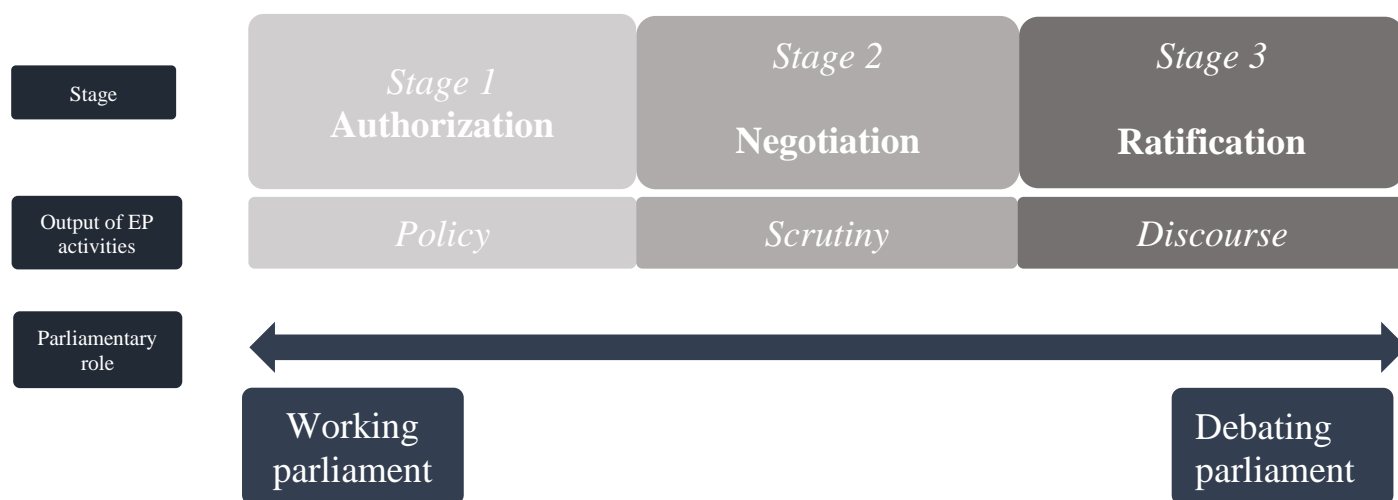
The patterns followed by EP activities are diverse, indicating various types of involvement in the negotiation of international agreements. This paper seeks to identify them. Ultimately, the type(s) of EP involvement indicate which role(s) the EP plays regarding international agreements. In particular, two parliamentary roles have been distinguished. On the one hand, ‘working parliaments’ interact closely with executives to achieve their policy preferences. On the other hand, ‘debating parliaments’ have more conflictual relations with executives, with activities centred on communication, rather than on substantive policy preferences (Lord, 2018). Crucially, parliamentary activities for these two roles do not have the same timing. ‘Working parliaments’ are particularly involved at the beginning of policy processes: from the outset, they engage with executives about the substance of policies. On the contrary, ‘debating parliaments’ get particularly involved at the end of policy processes, when formal decisions are about to be made and the policy issues are more salient.

Likewise, the timing of EP activities is a key dimension characterizing its type of involvement. The EU institutions’ respective powers come with a timing, which is an element of inter-institutional balance (Dyson, 2009; Goetz, 2009; Goetz & Meyer-Sahling, 2009; L. Maertens et al., 2021; Meyer-Sahling & Goetz, 2009). The ability of an institution to get involved with a timing different than the one set by its formal powers can allow this institution to modify the balance of powers to its own advantage. The ability of the EP to get involved before the timing provided by its formal powers indicates how it participates to a policy process (Goetz, 2009), and thus characterizes its

involvement. To look at the type(s) of EP involvement, the paper therefore focuses upon the timing of EP activities, but also considers the frequency and nature of its activities.

To analyse the timing of EP activities, I utilize a policy process framework. This framework is particularly helpful since the paper focuses on EP activities with the angle of veto-leveraging, rather than on negotiation dynamics with the third country. The stages of a policy process have their own characteristics and distinctiveness (Jacquot, 2019, p. 89). The policy process for the making of international agreements comprises three stages, as outlined in figure 1. During each of them, the (main) output of EP activities is different.

Figure 1. Stages of the negotiation process of international agreements



First, during the *authorization stage* (stage 1), the main output of EP activities is policy. During that stage, the mandate of the Commission is determined. (Formal) negotiations with the third country or countries have not started yet. While the EP's formal powers are limited to being informed of the beginning of negotiations, there are opportunities to influence the content of the mandate. Because of the flexibility of policy choices decreases with time, early stages of negotiations are essential to determine which issues make it on the political agenda and for framing (Daviter, 2007;

Princen, 2007). When getting involved during the authorization stage, its policy outputs make the EP's role closest to that of a working parliament, which gets involved early in procedures and seeks to influence the policy contents.

Second, during the *negotiation stage* (stage 2), the main output of EP activities is scrutiny. During that stage, the most intense interactions happen between the Commission and the third country. The EP can only marginally influence the policy choices pursued by the Commission. Like during the authorization stage, it has no formal powers except that of being informed. The EP has no access to the arena of negotiation, but it can ask the executive for information and question whether it is following the negotiating mandate received (Sprungk, 2016). Likewise, during the negotiation stage, the main output of EP activities is scrutiny, through the monitoring and questioning of actions undertaken by negotiators. For that reason, the EP is in an intermediary situation between a working and a debating parliament. On the one hand, in-depth scrutiny requires to work alongside the executive, to ask for detailed information and to focus on the substance of policies (Lord, 2018). On the other hand, scrutiny can also be conducted in a more superficial, conflictual way, and focus more on the production of discourses.

Third, during the *ratification stage* (stage 3), the main output of EP activities is discourses. At that stage, negotiations with the third country stop and the procedure moves back to the EU level. Since policy choices have already been made and since consent denial is very rare, EP activities are aimed mainly at communication (Proksch & Slapin, 2015). The Commission is a key target audience as the institution having conducted the negotiations, but the EP can also address the more general public, or MEPs dialogue with each other (Ilie, 2010). The output of EP activities during the ratification stage makes the EP closer to a debating parliament, getting involved late in

procedures and focusing more on discourses than on shaping substantive policy elements.

All EP activities studied in this paper can occur during any of the three stages, except plenary debates which are organized during the ratification stage, just before the vote on consent. All EP activities except these plenary debates can therefore lead to different EP outputs. For example, resolutions allow the EP to state a position, and thus to shape policy, but also to hold the Commission to account, and to address the public through discourses. Since these EP activities differ in the extent to which they involve the EP as a whole and entail the formulation of an EP position, it is important to consider which type of activities happens during which stage. Moreover, EP activities vary in their frequency: there can be no activities or several of a given type. The frequency of each type of activity also characterizes EP involvement: it indicates more or less emphasis on a dimension of EP involvement. For these reasons, the nature and frequency of activities are also analysed.

As depicted in figure 1, the ‘working’ and ‘debating’ types of parliament constitute the two ends of a continuum, on which the respective stages are situated. The EP can be involved during several stages and its activities have several outputs. However, a tension exists between the type of inter-institutional relations and parliamentary activities prevailing for respectively working and debating parliaments (Lord, 2018). For example, the former displays cooperative inter-institutional relations, while they are confrontational for the latter. Nevertheless, since inter-institutional relations can evolve during a negotiation process, EP involvement during each of the three stages is not a priori impossible. The EP would combine in this case the features of a working *and* a debating parliament. But ultimately, because of this tension between

the two parliamentary roles and the high resource investment it implies, this kind of EP involvement is unlikely to occur very often.

Data and methods

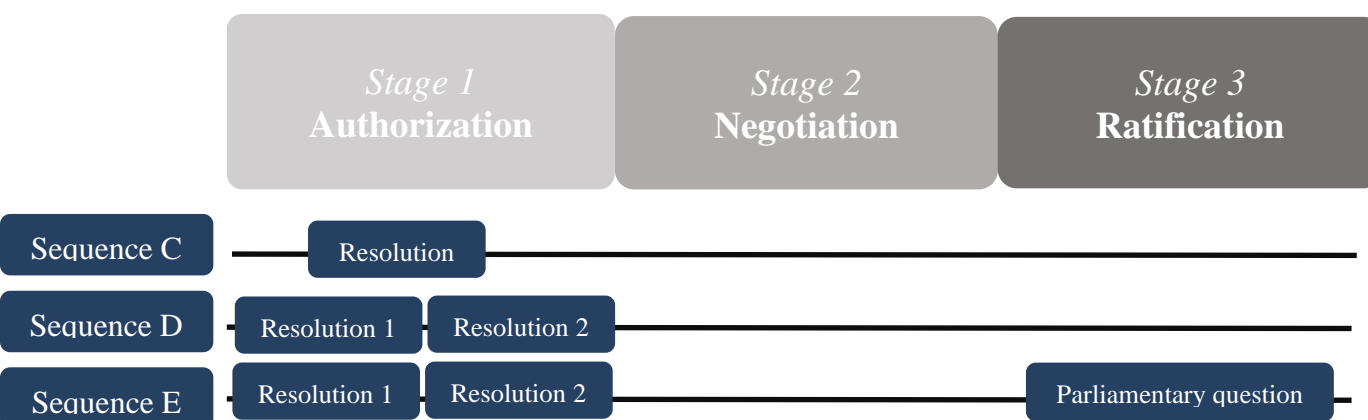
In order to distinguish the different types of EP involvement during the negotiation of international agreements, I consider EP activities for each agreement as a sequence. A sequence is a set of activities ordered chronologically. For example, the sequence of EP activities for an agreement A is the adoption of a resolution during the authorization stage, followed by five successive parliamentary questions during the ratification stage. For another example agreement B, there are no EP activities at all. In that case, the sequence of EP activities is an empty sequence.

Applying the method of sequence analysis³, the sequences of EP activities are systematically compared and grouped by similarity. In order to measure similarity, sequence analysis relies on the number of operations needed to make one sequence identical to another. Taking a simplified example, illustrated by figure 2, consider an agreement C for which the sequence of EP activities consists in a unique resolution adopted during the authorization stage. Consider another agreement D for which the sequence of EP activities consists in two resolutions adopted during the authorization stage. To transform the sequence of C in the sequence of D, it is needed to ‘add’ a resolution. The dissimilarity between C and D is considered to be 1. Consider yet another agreement E for which the sequence of EP activities consists in two resolutions adopted during the authorization stage, and of a parliamentary question filed during the

³ See methodological annex for a detailed explanation of sequence analysis and how it was conducted.

ratification stage. To transform the sequence of D in the sequence of E, it is needed to ‘add’ a parliamentary question. The dissimilarity between sequence D and E is 1. On the other hand, to transform the sequence of C in the sequence of E, it is needed to ‘add’ a resolution *and* a parliamentary question. The dissimilarity between C and E is 2.

Figure 2. Example of dissimilarity between sequences



In practice, the dissimilarity between sequences is calculated taking into account three dimensions: the timing of EP activities (i.e. during which stage and in which order do they occur?), their nature (i.e. which of the four types of activities are present?) and their frequency (i.e. how many activities of each type are there?). The (dis)similarity is calculated between sequences two-by-two, utilizing an optimal matching algorithm. Then, groups of agreements are formed based on this dissimilarity measure, utilizing a clustering algorithm. With this algorithm, groups are formed with the objective that the corresponding patterns of EP activities are as similar as possible within a group and that groups are as dissimilar as possible to each other. The clustering algorithm starts from individual sequences, and progressively groups them together, based on the two-by-two dissimilarity between sequences. This approach allows to distinguish types of EP involvement in a bottom-up way, starting from the empirical data. These inductively distinguished types are then characterized. I analyse the patterns of EP activities for

each type considering the nature, frequency and timing of EP activities and named the types in order to reflect these characteristics.

A list of international agreements concluded by the EU was compiled in order to conduct this sequence analysis. This dataset triangulates several databases of international agreements concluded by the EU. In order to ensure comparability between negotiations that followed the same procedural steps, the agreements analysed are all concluded after the entry into force of the Lisbon treaty⁴. Agreements for which negotiations are still ongoing are not included. The list was compiled for agreements concluded up to April 2023⁵. Agreements were identified using Eur-lex, together with the EP Legislative Observatory (OEIL) and other sources for triangulation⁶. In total, 344 international agreements are analysed. They are labelled in a variety of ways, such as ‘agreement’, ‘protocol’ or ‘exchange of letters’, but they all are international agreements in the sense of article 218 TFEU. The agreement on the withdrawal of the United Kingdom from the EU was added. Indeed, its conclusion was subject to EP consent and it was negotiated in a way very similar to agreements negotiated under article 218(6) TFEU, even if its legal base is article 50 TEU.

For each international agreement, the occurrence of EP activities and their dates were searched. This search was conducted for each of the four activities studied: resolutions, parliamentary questions, expertise reports and plenary debates. Then, the stage of the negotiation process during which each activity occurred was identified

4 Before the entry into force of the Lisbon treaty, even if the EP had much less powers, it was nevertheless conducting some activities: there are activities of EP involvement to study even before 2009.

5 Last data triangulation on the basis of EP procedures present on the EP Legislative Observatory on 24/04/2023.

6 See methodological annex for more details on the creation of this database and data collection.

relying upon: 1) the date of mandate adoption by the Council, which marks the transition from the authorization to the negotiation stage, as an EU approach is officially settled and 2) the date of the Commission proposal for signature, which marks the transition from negotiation to ratification stage, as a text is settled with the third country or group of countries. This data was retrieved using Eur-lex, OEIL, the EPRS website, the EP register of documents and a self-compiled, ad hoc, comprehensive database for parliamentary questions.

Types of EP involvement in the negotiation of international agreements

Six types of EP involvement during the negotiation of international agreements are distinguished by comparing the timing, nature and frequency of EP activities during negotiation processes⁷. This number of types allows to maximize the homogeneity of EP activity patterns within a type, and to maximize the dissimilarity of EP activity patterns between types⁸. Figure 3 plots the relative frequency of the six types of EP involvement, summarizes the timing of EP activities for each of them, and plots the number of EP activities for each type of EP involvement. Taken together, EP involvement is characterized for a majority of agreements by the absence of EP activities, or by an involvement of the type ‘loud late riser’.

The types of EP involvement differ primarily regarding the stage(s) of the negotiation processes during which EP activities occur and the frequency of activities. While there are differences regarding the nature of activities, no clear-cut pattern emerges in that

⁷ See methodological annex for an explanation of the number of types chosen.

⁸ Two types distinguished following these criteria were merged because of their similarity conceptually and to allow for more parsimony of the typology.

regard⁹. Moreover, there are very few patterns of EP activities that are exactly identical from agreement to agreement, indicating that there is no ‘standard operating procedure’ for EP activities¹⁰. Although there are differences between policy fields regarding the type of involvement, no clearcut patterns emerge.¹¹

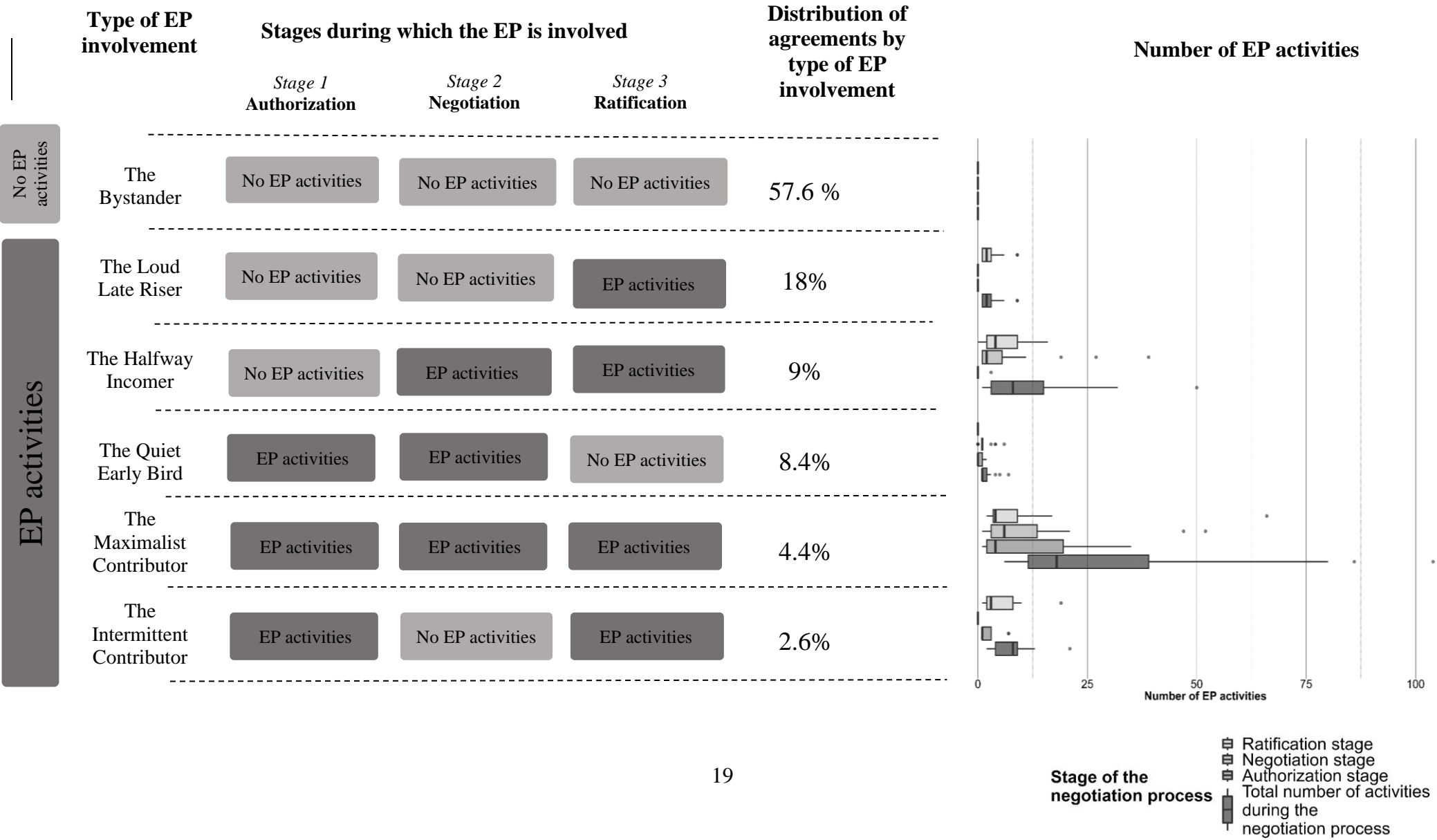
In what follows, I present each type of EP involvement. For each type, I outline EP activities for representative agreements. These representative agreements are medoids, i.e. sequences which have a minimal dissimilarity to other sequences of the cluster. They do not necessarily reflect the policy field dominant for a type of EP involvement. This is because there is no clear-cut link between policy fields and types and because these sequences are those which are most ‘central’ in a group, on the basis of the timing, number and nature of activities,

9 See methodological annex figure 9 for data on the nature of EP activities and types of EP involvement.

10 See methodological annex for more details.

11 See methodological annex for statistics on the relation between types of EP involvement and policy field.

Figure 3. Types of EP involvement during the negotiation process of international agreements



First, for 57% of agreements concluded since 2009, EP involvement is of the type ‘bystander’ and comprises no EP activities, during none of the stages of the negotiation process. That is, in most cases, the EP is not involved beyond what it is legally required to do, i.e. taking a decision on consent. Of course, EP activities studied in the paper are public and formal. It hence cannot be excluded that there are informal EP activities for these agreements, but EP involvement remains at a relatively low level of intensity.

EP ‘bystander’ involvement is present for a wide variety of international agreements across different policy fields. However, they have in common to be of relatively limited scope. They often address issues with a limited impact on the EU and its environment, or an impact on a small group of actors. For example, the EP did not conduct any activities in the cases of the Common Aviation Area agreement with Georgia, of an agreement with Barbados on short-stay visa waiver or of a Civil Global Navigation Satellite System (GNSS) agreement with Morocco. The same holds true for most of the numerous agreements signed with Norway, Iceland and the Liechtenstein, for example for the management of fisheries or of asylum. These agreements allow the EU to manage its relations with its close neighbours, with which economic ties are very strong, in a relatively routinized way.

Second, EP involvement is of the type ‘loud late riser’ for 18% of agreements. Among agreements for which the EP conducts activities, this type of EP involvement is the most frequent. Loud late riser involvement is characterized by the presence of EP activities during the ratification stage, during which the output of EP activities are discourses, aimed at various audiences. In order to reflect this dominance of communication aims, the adjective ‘loud’ is used to label this type of involvement. As

shown by figure 3, it is also a type of involvement with a relatively low frequency of EP activities compared to other types with activities during the ratification stage: 90% of agreements corresponding to the loud late riser type comprise three EP activities or less.

The Minamata Convention on Mercury is one of the representative agreements for the ‘loud late riser’ type of involvement. For that agreement, a parliamentary question and an expertise report were issued during the ratification stage. Another representative agreement is the Protocol on cultural cooperation, negotiated in the context of the free trade agreement with Korea. In that case, the EP organized a plenary debate and a parliamentary question was filed. Both of these agreements are, or are related to relatively salient agreements, with potentially important economic and/or environmental impact. Nevertheless, EP activities intervened only during the ratification stage, and with a limited intensity.

When it is involved as a ‘loud late riser’, the EP hinges on the side of a debating parliament. This is coherent given the inter-institutional equilibrium set in the treaties where the powers of the EP are limited. Although the EP has been empowered and self-assertive regarding international agreements, this empowerment should not be overemphasized. For a majority of agreements, the EP is involved as a bystander or a loud late riser. EP involvement as a loud late riser raises the question of who is the interlocutor, or the ‘public’ of the EP for these activities with a communicative function. Indeed, the EP does not benefit from a public sphere and media visibility equivalent to that of national parliaments, and this is a major hurdle for the EP to act as a debating parliament (Lord, 2018). Under these conditions, the public of the EP would be mainly the Commission and the EP itself, or a very limited, ‘EU-specialized’ public sphere.

The third most frequent type of EP involvement is the ‘halfway incomer’, which is present for 9% of agreements. In this type of involvement, EP activities are present during the negotiation and ratification stages, during which the dominant output of EP activities is respectively scrutiny and discourses. As shown on figure 3, the number of EP activities is overall higher than for the loud late riser type involvement. Compared to other types, the proportion of resolutions and, during the ratification stage, of expertise reports, is higher. The label for this EP type of involvement reflects that the EP gets involved during the course of the negotiation process and then remains involved during the ratification stage. It could be said that it ‘comes in’ a process in which it was not initially involved, and then remains involved until the end of that process.

One of the representative agreements for the ‘halfway incomer’ involvement is a fisheries protocol with Cape Verde for the period 2019-2024. The MEPs filed several parliamentary questions during the negotiation stage. Then, during the ratification stage, a parliamentary question was filed, an expertise report issued and a resolution adopted to accompany the EP decision on consent. An agreement on trade in bananas with the United States is a second representative agreement. A parliamentary question was filed during the negotiation stage. During the ratification stage, another parliamentary question was filed, an expertise report issued, a plenary debate organized and a resolution accompanied the EP decision on consent. Agreements for which the EP is a ‘halfway incomer’ are mostly relatively limited in scope and touch upon specific economic sectors.

Interestingly, two agreements display a ‘halfway incomer’ type of involvement, but with a higher intensity: the free trade agreements (FTAs) with Vietnam and Singapore. Both display over 10 EP activities during the negotiation stage, when for this type the median is 2 activities and the average 5 activities. Similarly, during the

ratification stage, activities are much more frequent than for other agreements corresponding to this type. Both FTAs are salient agreements, which have already been studied in the literature regarding the EP's role. Their (economic) impact is much more important than for the above-mentioned sectoral agreements. Taken together, with a 'halfway incomer' involvement, the EP is closer to a 'debating parliament'. It is not involved during the authorization stage, and its involvement during the negotiation and ratification stages is therefore more oriented towards non-collaborative relations with the Commission negotiating on behalf of the EU.

Fourth, the EP is involved as a 'quiet early bird' for 8.4% of agreements. This type of involvement is characterized by the presence of EP activities during the authorization stage and/or the negotiation stage, i.e. the stages during which the EP's main outputs are policy and scrutiny. As highlighted by figure 3, the 'quiet early bird' involvement is characterized by the lowest frequency of EP activities, compared to other types displaying EP activities at all. The 'quiet early bird' label reflects the presence of activities during the first two stages, and their absence in the last one, together with their limited intensity.

The agreement on data exchange between Europol and New Zealand is one of the representative agreements for the quiet early bird involvement. A single resolution was adopted by the EP during the negotiation stage. Similarly, in the case of the agreement on carriage of freight by road with Moldova, a single resolution was adopted by the EP during the authorization stage. Agreements with a quiet early bird EP involvement are of very limited salience, and were not studied in the existing literature. Surprisingly, they present no obvious differences in their characteristics compared to agreements for which the EP is involved as a bystander.

When the EP is involved as a quiet early bird, its role is arguably that of a working parliament. First, it gets involved relatively early in negotiation processes, and never during the authorization stage. Second, the limited frequency of EP activities indicates the absence of a highly confrontational approach. Being involved as a quiet early bird supposes that the EP steps out of its traditional role and invests resources during stages not favourable to its involvement given its powers.

Fifth, the EP is involved as a maximalist contributor. This type of involvement is very rare, with the EP being a ‘maximalist contributor’ for only 4% of agreements. This type of involvement is characterized by the presence of EP activities during the three stages of negotiation processes. EP activities have policy, scrutiny and discourse outputs. The label ‘maximalist contributor’ reflects this multifaceted dimension. At the same time, this type of EP involvement comprises the higher frequencies of activities, with a maximum of 104 activities during the three stages and a median of 18 activities. As shown by figure 3, it also is the type for which there is the most variance in the number of EP activities. It is moreover the only type for which there are expertise reports issued during stages other than the ratification stage, and for which the proportion of parliamentary questions is comparatively high. The diversity of patterns of EP activities for this type on the one hand stems from the fact that there are overall much more EP activities. On the other hand, it shows that the ‘maximalist contributor’ type of involvement comes about in very diverse forms: it is not a very standardized type of involvement. In that sense, it is exceptional not only because of its low frequency, but also because each sequence within this cluster is highly distinctive.

A first representative agreement for the ‘maximalist contributor’ type of involvement is a fisheries protocol concluded with Morocco in 2013. Multiple

parliamentary questions were filed during the three stages of the negotiation process. During the ratification stage, an expertise report was issued and a plenary debate organized. The second representative agreement is the comprehensive and enhanced agreement concluded with Armenia. Multiple parliamentary questions were filed during the authorization and negotiation stages. During the ratification stage, two resolutions were adopted, an expertise report issued and a plenary debate organized.

The EP was involved as a maximalist contributor for most of the agreements studied in the existing literature regarding EP's involvement (except the free trade agreements with Vietnam and Singapore). This includes the Paris agreement, the free trade agreement with Japan, the agreement on the withdrawal of the United Kingdom from the EU, the post-Brexit Trade and Cooperation agreement with the United Kingdom, the association agreement with Ukraine, and a fisheries agreement with Morocco. Moreover, the EP was also involved as a 'maximalist contributor' for association agreements with Moldova, Kosovo and Montenegro, as well as for, with a lesser intensity of activities, two fisheries protocols with Guinea-Bissau and Mauritania, an agreement on facilitation issuance of visas with Ukraine and the Arms Trade Treaty. To my knowledge, these latter agreements belonging to the 'maximalist contributor' type have been overlooked in the literature tackling the EP's involvement, despite their importance for EU foreign policy, and in particular for association agreements.

When involved as a 'maximalist contributor', the EP plays the role of both a working and a debating parliament, with highly frequent activities. It engages with the full negotiation process, which is hence 'deeply' parliamentarized, in the sense that EP involvement is not limited to a single stage. Agreements in which the EP is involved as a 'maximalist contributor' are surprisingly diverse. While most of them are salient, some of them are much less so, such as the fisheries agreements with Mauritania and

Guinea-Bissau. Moreover, these agreements concern several policy fields including trade, fisheries, environment and the EU neighbourhood policy.

Sixth, the EP is involved as an ‘intermittent contributor’ for 2.6% of agreements. This type of involvement is characterized by the presence of EP activities during the authorization and the ratification stages. As plotted on figure 3, the frequency of EP activities is on par with that of the ‘halfway incomer’, i.e. relatively high. ‘Intermittent contributor’ involvement is distinguished by the high proportion of resolutions during the authorization stage, together with the high proportion of plenary debates and the quasi-absence of expertise reports during the ratification stage. The existence of this type is rather surprising. Indeed, it combines the two stages, and thus the two main outputs of EP activities corresponding to the two different ends of the parliamentary role continuum: the working and debating parliament. While further (qualitative) enquiry is needed to better understand the cases displaying this type of EP involvement, I suggest to label it as ‘intermittent contributor’, to reflect the interruption of EP activities during the negotiation stage.

One of the representative agreements for the ‘intermittent contributor’ type of involvement is the agreement on data transfer for terrorist finance tracking with the United States. The EP adopted a resolution during the authorization stage, then adopted multiple parliamentary questions and organized a plenary debate during the ratification stage. This agreement is the successor of the so-called SWIFT agreement, to which the EP denied its consent. Thus, the EP carefully delineated its priorities for a future agreement on the same issue. When the Commission proposed the conclusion of a new version of that agreement, two minority opinions were issued with the committee draft report, recommending to deny consent, which is extremely rare. The EP nevertheless

ultimately gave its consent. Another representative agreement is the agreement on forest law enforcement, governance and trade in timber with Cameroon. The EP adopted a resolution during the authorization stage, then during the ratification stage a resolution was filed, a plenary debate organized and resolution adopted. These two agreements, as other agreements belonging to this type, arguably have very different levels of salience and differ in their substance. However, they intriguingly display the same patterns of EP activities.

Concluding discussion

Relying on an original and comprehensive database of international agreements and applying sequence analysis, this paper has distinguished six types of EP involvement during the negotiation of international agreements. Existing empirical studies focus on a handful of agreements, most of them strongly politicized. The present typology shows that all these agreements studied in depth belong to the maximalist contributor and halfway incomer types of EP involvement, i.e. patterns constituting the exception rather than the rule. As a result, the dynamics highlighted by these studies cannot be generalized.

EP involvement is actually more often than not characterized by the *absence* of EP activities. This finding is fully in line with research on the involvement of parliaments in foreign policy. On the one hand, it is traditionally considered that party politics do not play an important role in foreign policy and that, by the same token, the role of parliaments is limited. In practice, parliaments are increasingly involved, but overall, this does not entail major disruptions for foreign policy. On the other hand, there are indeed (politicized) cases in which parliaments contest decision making, or *a minima* seek to get more involved (Haesebrouck & van Immerseel, 2020; Herranz-

Surrales, 2017; Reslow, 2019). In the EU political system, the EP implements self-empowerment strategies and seeks to step up its role (Brack & Costa, 2018; Meissner & Schoeller, 2019), including for some international agreements (Roederer-Rynning, 2017). But the important proportion of agreements for which the EP is a bystander indicates that the EP most frequently plays the role of a ‘sleeping parliament’. Thus, in terms of quantity of international agreements, the EP is actually most frequently neither a working parliament - i.e. involved early in procedures and cooperating with the executive - nor a debating parliament - i.e. involved late in procedures and in a confrontational way (Lord, 2018).

The prevalence of the bystander type of involvement is likely to stem from three sources. First, the EP has limited resources, and it should choose for which files to spend them. In that regard, further research could compare the proportion of legislative files in which the EP does not get actively involved in the trilogues. Second and relatedly, the prevalence of bystander involvement could be related to the relatively lower interest of the EP in international agreements, inasmuch they do not always have (clear) consequences for internal affairs and interests. Third, it should be recalled that this study does not cover informal channels. There could be agreements for which the EP is involved only informally, and which are therefore classified in the bystander type.

When EP activities are present, EP involvement is hinging on the side of a debating parliament. Indeed, there are more agreements corresponding to the loud late riser or halfway incomer types, whereby no activities are conducted during the authorization stage, than to other types. Nevertheless, overall in the EU political system, the EP displays the features of a working rather than a debating parliament (Lord, 2018). Thus, the pattern found for international agreements points to their specificities. The policy process for making international agreements has a specific structure, with

the EP veto power happening only during the last stage. At the same time, because they involve third countries, the negotiation of international agreements may favour distinct types of interactions among EU institutions.

Finally, when the EP plays the role of a debating parliament and gives its consent, it contributes to the ‘throughput’ legitimacy of agreements, inasmuch the EP is included in the process and publicizes the agreement by debating it (Schmidt & Wood, 2019). This debating parliament role is played in the context of the politicization of international relations and ratification difficulties for many international agreements (Ostermann & Wagner, 2023). Moreover, contestation in the EP has proven to sometimes escalate suddenly at late stages of the process (Pefferköver & Adriaensen, 2021). Therefore, the tendency of EP activities to occur during the ratification stage indicates potential risks of ratification challenges within the EU. This state of play implies a risk for the EU to be unable to deliver its international commitments, and a risk for the EU’s ability to conclude international agreements.

Taking a broader view, the paper provides a benchmark to compare EP involvement in the context of international agreements with that of other (national) parliaments. This benchmark allows to comparatively assess whether and to what extent different parliaments do get involved in a domain that is traditionally that of the executive. It is commonly stated that parliaments’ role in that domain is limited, but the approach presented in this paper offers a way to assess the extent of this limitation and the features of parliamentary involvement when it does happen. Moreover, since there are several types of EP involvement with different potential in terms of substantive influence, further research should seek to explain why the EP gets involved differently for different negotiations. In particular, salience is an important factor liable to shape the pattern taken by EP involvement (Delreux & Burns, 2019; Meissner & McKenzie,

2019). Ultimately, better understanding the explanatory factors for the different types of EP involvement also contributes to the debate on the legitimacy provided by the EP, since the nature of that legitimacy depends upon the type of EP involvement.

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