

European Parliament-Commission Relations and International Agreements

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Suggested citation: Marine Bardou, 'European Parliament-Commission Relations and International Agreements', (2024), 29, European Foreign Affairs Review, Issue 4, pp. 405-426, [https://kluwerlawonline.com/journalarticle/European+Foreign+Affairs+Review/29.4%20\[pre-publication\]/EERR2024029](https://kluwerlawonline.com/journalarticle/European+Foreign+Affairs+Review/29.4%20[pre-publication]/EERR2024029)

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Abstract

This article studies the practices of interaction between the European Parliament (EP) and the Commission during the negotiation of international agreements. The Commission negotiates on behalf of the EU and since 2009, the EP can veto the ratification of most agreements. While the EP has sometimes leveraged its veto power through various activities, it is unclear how the EP and the Commission interact in practice. Therefore, this article asks: how do the EP and the Commission interact during the negotiation of international agreements? I rely upon twenty-nine semi-structured interviews with EP and Commission officials in six policy fields. I distinguish six practices and three types of EP-Commission interactions, which differ depending on the policy field. First, trade displays very dense, maximalist interactions. Second, justice and home affairs, and environment and climate, episodically display practices going beyond information provision. Third, other policy fields display only practices of informing the EP. These results confirm the distinctiveness of the policy field of trade, show the fragmentation of the EU's political order regarding international agreements and the potential instability of practices of interaction. Taken together, the article demonstrates the value of analysing EP-Commission interactions, rather than focusing solely on the perspective of the EP's assertion.

Keywords: European Parliament, European Commission, international agreements, inter-institutional relations, practices, policy fields, international negotiations, consent procedure

1. Introduction

Since the entry into force of the Lisbon treaty, the consent of the European Parliament (EP) is necessary for the ratification of most international agreements. In practice, the EP does more than giving or denying its consent, and frequently engages in activities aimed at gathering information or voicing policy preferences. This has often been interpreted as veto-leveraging: the Commission, which negotiates on behalf of the European Union (EU), has to anticipate a potential EP veto and to accommodate EP concerns to some extent.¹ This gives the EP an opportunity to have an input in the international agreements negotiated by the EU, the latter having important economic, environmental and diplomatic impacts in a wide array of policy fields, for example trade or fisheries. While there is evidence of veto-leveraging for several international agreements,² it is unclear how it unfolds practically, especially outside the policy field of trade. Yet, policy fields have distinctive features and involve different institutional divisions. Thus, it is not known how EP and Commission actors navigate, organize and perceive their interactions in these different contexts. A systematic characterization of EP-Commission interactions and their consequences for inter-institutional relations is lacking. Accordingly, this article asks: how do the EP and the Commission interact during the negotiation of international agreements?

The article analyses the practices of EP-Commission interaction, defined as (1) (sets of) material activities; (2) performed by individuals who derive meaning from them; (3) institutionalized and (4) shaped by a structuring context. This approach is centred on the EP-Commission inter-institutional relation. It looks at parliamentary involvement as a process not only parliamentary-driven or executive-driven, but co-constructed by the EP and the Commission. Empirically, the article relies on twenty-nine semi-directive interviews with individuals from the Commission and the EP involved in EP-Commission interactions. Six of the main policy fields in which the EU negotiates agreements are analysed: trade, justice and home affairs, environment and climate, fisheries, transport, and industry and research.³ This original empirical material is analysed utilizing Qualitative Content Analysis.

¹ A. Ripoll Servent, *The Role of the European Parliament in International Negotiations after Lisbon*, 21 *Journal of European Public Policy* 568 (2014), doi: 10.1080/13501763.2014.886614.

² M. Frennhoff Larsén, *Parliamentary Influence Ten Years after Lisbon: EU Trade Negotiations with Japan*, 58 *Journal of Common Market Studies* 1540 (2020), doi: 10.1111/jcms.13052.

³ Neighbourhood-related agreements are not covered in this article, nor are framework agreements (cf.

The empirical analysis demonstrates that practices of EP-Commission interaction vary in intensity and in nature depending upon the policy field, with three types of EP-Commission interaction. First, the policy field of trade displays far-reaching practices enshrining the EP role as an ‘informal’ mandate setter. Second, in the policy fields of justice and home affairs, and of environment and climate, practices of the EP voicing its preferences and of direct EP-Commission interaction are regularly performed, but not systematically. Third, by contrast, in other policy fields, the practices of EP-Commission interaction are limited to informing the EP. Additionally, all policy fields exhibit considerable variation from agreement to agreement in the intensity of EP-Commission practices of interaction.

The broader contribution of this article is twofold. First, the article advances the literature on EP involvement in the making of international agreements. It focuses not only on the EP itself, but on EP-Commission interaction, and systematically does so across the main policy fields. It thereby offers a comprehensive characterization of EP-Commission interaction across negotiations, and a heuristic tool. Second, the article contributes to the study of inter-institutional relations in the EU. It demonstrates how these inter-institutional relations can be fragmented depending upon the policy field and grounded in pragmatic understandings, which also makes them potentially unstable.

This article is structured as follows. The next section introduces EP-Commission inter-institutional relations during the negotiation of international agreements. The third section explains the concept of practices. The fourth section outlines the methodology. The fifth section presents the results and discusses their implications.

2. European Parliament-Commission Interactions under the Shadow of Consent

Since the entry into force of the Lisbon treaty, the EP is asked to consent to the ratification of over 80% of agreements negotiated by the EU.⁴ This article focuses on such agreements subject to EP consent, since they are covered by the ‘standard’ procedure and comparable. The procedure of negotiation and ratification is set by Article 218(6) TFEU and can be divided in three phases. First, the Council authorizes the opening of negotiations, upon

methodology).

⁴ Own database, based on Eur-lex, the European Parliament Legislative Observatory and M. Remac, International Agreements – Review and Monitoring Clauses - A Rolling Check List, European Parliament Research Service Study PE 631.768 (2019).

proposal of the Commission. Second, the Commission negotiates with the third, non-EU country or countries. Third, again upon proposal of the Commission, the Council signs agreements, and finally ratifies them after asking the EP for its consent. When agreements are exclusively or principally devoted to the Common Foreign and Security Policy (CFSP), the European External Action Service (EEAS) replaces the Commission in this procedure. To ensure comparability, the article analyses only cases where the Commission leads, which constitute the vast majority. Moreover, Article 218 (10) TFEU provides that the EP has the right to be immediately and fully informed about the negotiations, this disposition being further reinforced by the 2010 Inter-Institutional Agreement (IIA) between the Commission and EP.

The existing literature shows that the EP does more than giving or denying consent, or passively receiving information. In practice, the EP regularly gets actively involved through a variety of activities, which are not a legal requirement but allow the EP to gather further information and voice its policy preferences. For example, the EP can request further information from the Commission,⁵ attend ad hoc meetings with the Commission,⁶ or outline its position regarding international agreements in resolutions.⁷ These EP activities are first and foremost directed at the Commission, as the institution proposing the negotiating mandate, negotiating on behalf of the EU and proposing the ratification of agreements. Therefore, the inter-institutional relationship between the EP and the Commission is crucial. Even if the Council controls the Commission's activities, the Commission is the institution launching the key steps of the procedure and has a privileged access to information.

Most of the existing literature argues that there is a strong connection between EP activities and its right to consent. As the argument goes, the mere possibility of an EP veto gives weight to EP activities. Indeed, an EP veto would jeopardize the result of often lengthy negotiations, and thus the work of the Commission. By anticipation of this potential veto, the Commission has (to some extent) to respond to EP concerns.⁸ But this veto must be credible, i.e., the Commission has to consider an EP veto sufficiently likely.

⁵ D. Curtin, *Official Secrets and International Trade Negotiations: Is the EU Executive Unbound?*, 50 *Common Market Law Review* 423 (2013), doi: 10.54648/COLA2013055.

⁶ K. Meissner, *Democratizing EU External Relations: The European Parliament's Informal Role in SWIFT, ACTA, and TTIP*, 21(2) *European Foreign Affairs Review* 269 (2016), doi: 10.54648/EERR2016017.

⁷ T. Delreux & C. Burns, *Parliamentarizing a Politicized Policy: Understanding the Involvement of the European Parliament in UN Climate Negotiations*, 7 *Politics & Governance* 339 (2019), doi: 10.17645/pag.v7i3.2093.

⁸ Servent, *supra* n. 1.

In that regard, the fact that EP consent has already been denied three times is crucial.⁹ At the same time, denying consent is not a cost-free operation for the EP. An EP veto implies that no agreement is ratified, and poses reputational risks for the EU as an international actor and the EP as an institution. In that perspective, both the EP and the Commission have an interest in avoiding a veto and in engaging with each other.

However, the existing literature leaves unclear how EP-Commission interactions unfold practically, in particular at the level of individual actors. Presupposing a mechanism of anticipation explains why material activities of EP involvement exist in the first place, but does not allow to grasp the substance of the EP-Commission relation, which may go beyond anticipation. Parliamentary involvement is parliament-driven as well as executive-driven, and sometimes includes collaborative or strategic dynamics which are not limited to anticipation.¹⁰

When disentangling EP-Commission interactions, the policy fields in which they unfold need to be accounted for. The existing literature is focused on the study of single negotiation processes, mainly of salient trade agreements. However, policy fields are key in shaping a differential EP involvement in EU policy-making,¹¹ especially as individual actors learn within them.¹² Accounting for the policy-making context in which actors work is all the more necessary as a rare study by Frennhoff Larsén provides evidence of variation in EP involvement across policy fields.¹³

3. Unpacking European Parliament–Commission Interactions

I analyse the practices through which the EP and the Commission interact. The concept of practice allows to disentangle how interactions unfold in the everyday work of individuals in the context of specific policy fields. The definition of practices varies but they are, at the core, material activities performed by (groups of) individuals, reflecting

⁹ Meissner, *supra* n. 6.

¹⁰ D. Fonck & Y. F. Reykers, *Parliamentarisation as a Two-way Process: Explaining Prior Parliamentary Consultation for Military Interventions*, 71 *Parliamentary Affairs* 674 (2018), doi: 10.1093/pa/gsx081.

¹¹ D. Judge, D. Earnshaw & N. Cowan, *Ripples or waves: The European Parliament in the European Community Policy Process*, 1 *Journal of European Public Policy* 27 (1994), doi: 10.1080/13501769408406946.

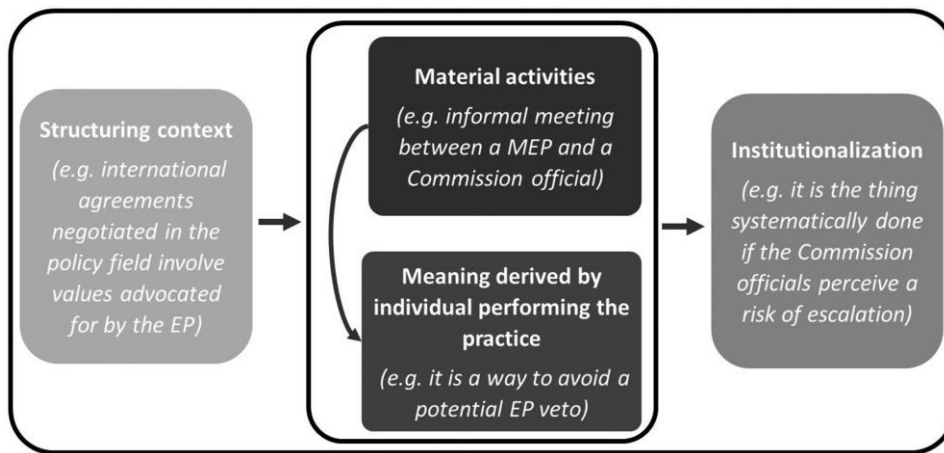
¹² M. Peffenköver & J. Adriaensen, *Detecting Looming Vetoes: Getting the European Parliament's Consent in Trade Agreements*, 9 *Politics & Governance* 74 (2021), doi: 10.17645/pag.v9i3.4014.

¹³ M. Frennhoff Larsén, *The EU in International Negotiations* (Palgrave MacMillan 2023).

practical knowledge about a social structure.¹⁴ Approaches in terms of practices do not make a priori a distinction between material and ideational factors. Both constitute a form of practical knowledge and are considered from the angle the individuals perceive them.

I define practices of EP-Commission interactions as (1) (sets of) material activities; (2) performed by (groups of) individuals who derive meaning from them; (3) institutionalized and (4) shaped by a structuring context. Figure 1 summarizes the elements of this definition. In what follows, I outline each element of this definition.

Figure 1. The Concept of Practice



First, material activities of EP involvement are activities undertaken by (groups of) individuals, in the name of a whole institution or not, using or not a legal procedure. For example, adopting an EP resolution and an informal meeting over coffee between a Member of the European Parliament (MEP) and a Commission official are material activities. Contrary to an informal governance approach,¹⁵ the concept of practices encompasses all activities, formal and informal. I include in this definition material activities related to compulsory information of the EP, provided for by the 2010 IIA between the Commission and the EP, as the specific way they are conducted can vary.

Second, material activities are performed by (groups of) individuals, who derive meaning from them. Contrary to an informal governance approach, individual performances are key to practices, because these performances enact social meaning.¹⁶

¹⁴ R. Adler-Nissen, Towards a Practice Turn in EU Studies: The Everyday of European Integration, 54 *Journal of Common Market Studies* 87 (2016), doi: 10.1111/jcms.12329.

¹⁵ T. Christiansen & C. Neuhold, Informal Politics in the EU, 51 *Journal of Common Market Studies* 1196 (2013), doi: 10.1111/jcms.12068.

¹⁶ E. Adler, The Spread of Security Communities: Communities of Practice, Self-Restraint, and NATO's Post – Cold War Transformation, 14 *European Journal of International Relations* 195 (2008).

For example, the practice for the EP to adopt resolutions before the beginning of negotiations has been analysed as a form of informal mandate-setting.¹⁷ In that case, there is a material activity of EP involvement (resolution adoption), from which individuals derive the meaning that the EP is giving an ‘informal’ mandate to the Commission.

Third, practices are institutionalized. Drawing upon the seminal definition of DiMaggio and Powell, I define institutionalization as a process whereby material activities ‘assume a taken-for-granted quality’.¹⁸ Therefore, an institutionalized material activity is either (a) integrated in a (soft) legal framework or (b) normalized, in the sense that it is expected by involved actors. An example of (a) is the inclusion of the practice of informing the EP during the negotiations in an IIA.¹⁹ A (hypothetical) example of (b) is to resort to informal contacts between Commission officials and MEPs whenever an issue deemed sensitive arises during the negotiations.

A material activity performed by (groups of) individuals who derive meaning from it but that is not institutionalized is not a practice, because it does not exist beyond the individuals who perform it. Institutionalized material activities are essential in forging inter-institutional relations, as they unfold in the medium or the long term, across several negotiations. They become ingrained in institutions and are not solely individual strategies. Even if practices are expected by actors involved, conflicts can be a key part of practices.²⁰ For example, practices such as informal contacts can constitute the institutionalized way through which the EP and the Commission seek to settle conflicts.

Fourth, practices are shaped by a structuring context, labelled ‘field’.²¹ Fields are ‘structured, relatively autonomous spaces, with their own activities, issues, rules and relevant resources’.²² Generally, they are considered to structure the positionality of

¹⁷ E. da Conceição-Heldt, Multiple Principals’ Preferences, Types of Control Mechanisms and Agent’s Discretion in Trade Negotiations, in *The Principal Agent Model and the European Union* 203–26 (T. Delreux & J. Adriaensen eds, Springer 2017).

¹⁸ B. Ritterberger, Institutionalizing Representative Democracy in the European Union: The Case of the European Parliament, 50 *Journal of Common Market Studies* 18, 12 (2012), doi: 10.1111/j.1468-5965.2011.02225.x.

¹⁹ M. Urban, *Les accords interinstitutionnels, vecteurs de parlementarisation des relations extérieures. Etude des accords interinstitutionnels et de leur usage dans le cadre de la procédure de négociation et de conclusion des accords internationaux* (Schulthess Editions Romandes et LGDJ 2021).

²⁰ N. Bremberg, H. Sonnsjö & M. Mobjörk, The EU and Climate-Related Security Risks: A Community of Practice in the Making?, 41 *Journal of European Integration* 623 (2019), doi: 10.1080/07036337.2018.1546301.

²¹ V. Pouliot, Methodology. Putting Practice Theory into Practice, in *Bourdieu in International Relations. Rethinking Key Concepts in IR* 45–58 (R. Alder-Nissen ed., Routledge 2013).

²² V. Dubois, The Fields of Policy-Making, in *The Palgrave Handbook of Political Economy* 29–51 (V. Dubois, I. Cardinale & R. Scazzieri eds, Palgrave 2018).

individuals, which in turn affects how they perform practices. Since this article focuses on inter-institutional relations, I consider fields related to the structure of institutions rather than the positionality of individuals. The way individuals perform practices matter but does not structure them.

The internal structure of the EP and the Commission is based on policy fields, which correspond to different sectors for which EP committees²³ and Commission Directorate-General (DGs)²⁴ have their own resources, internal functioning and organizational culture. All these characteristics constitute a structuring factor for practices.

4. Methodology

To get access to practices of EP-Commission interaction, I rely upon semi-directive interviews with involved individuals from the EP and the Commission. The goal is to gain access to practices that (a) are largely informal and for which data is not publicly accessible and that (b) have a social meaning, which involves accessing the perception of individuals. The interviews seek to gain knowledge of the four elements of the definition of practices: (1) material activities; (2) meanings derived by individuals from them; (3) mode of institutionalization of practices and (4) structuring context. The interview grid starts from material activities, as they are the material vehicles of practices and the element around which meaning, institutionalization and structuring context are articulated.

Relying on semi-directive interviews comprises two limitations. First, practices are ‘talked about’ in interviews. This entails a potential social desirability bias, in a context in which representative democracy is largely perceived as legitimate and desirable,²⁵ and in which EP empowerment is part of its institutional identity.²⁶ Starting the interviews focusing on material activities seeks to mitigate against this risk. Second, interviews

²³ G. J. Brandsma, Transparency of EU Informal Trilogues Through Public Feedback in the European Parliament: Promise Unfulfilled, 26 *Journal of European Public Policy* 1464 (2019), doi: 10.1080/13501763.2018.1528295.

²⁴ M. Cini, La Commission européenne: lieu d’émergence de cultures administratives. L’exemple de la DG IV et de la DG XI, 46 *Revue française de science politique* 457 (1996).

²⁵ B. Ritterberger, Institutionalizing Representative Democracy in the European Union: The Case of the European Parliament, 50 *Journal of Common Market Studies* 18, 12 (2012), doi: 10.1111/j.1468-5965.2011.02225.x.

²⁶ K. Meissner & M. Schoeller, Rising Despite the Polycrisis? The European Parliament’s Strategies of Self-empowerment after Lisbon, 26 *Journal of European Public Policy* 1075 (2019), doi: 10.1080/13501763.2019.1619187.

enable access mainly to current practices. Therefore, interviewees were explicitly asked about the evolution of practices in time.

The Commission DGs and EP committees are relied upon to identify policy fields because of their sectoral basis. A database of international agreements concluded post-Lisbon, compiled by the author for another study, was used to identify them.²⁷ Table 1²⁸ presents policy fields and the number of agreements in each of them. I selected the policy fields indicated in bold in the table, in which international agreements are frequently negotiated (at least one a year on average). This is a condition to give rise to practices, which need to be institutionalized and thus require recurrent use. Additionally, regarding the policy field ‘foreign policy’ I excluded neighbourhood-related agreements because no agreements were concluded for several years, and thus no evidence could be collected. These agreements however include important trade components, which are covered by the study of the field of trade. In the policy field ‘foreign policy’, I also excluded framework agreements as they are negotiated primarily by the EEAS.²⁹

Twenty-nine interviews were conducted, allowing to cover the selected policy fields on both the sides of the Commission and the EP.³⁰ Interviews were requested at the level of the inter-institutional units of Commission DGs and at the level of EP secretariats, which are key in the organization and management of EP work.³¹ However, they were often conducted with other individuals, indicated as relevant by first contacts.

²⁷ Own database, cf. supra.

²⁸ Table based on own database. Includes the 431 agreements concluded post Lisbon up to Apr. 2023 and subject to EP consent.

²⁹ Framework agreements (and similar agreements) aim at promoting cooperation and dialogue about multiple topics, e.g., foreign policy or education.

³⁰ No officials at DG CLIMA and DG RTD were available for interviews.

³¹ E. Coremans & K. Meissner, *Putting Power into Practice: Administrative and Political Capacity Building in the European Parliament’s Committee for International Trade*, 96 *Public Administration* 561 (2018), doi: 10.

Table 1. Policy Fields, Number of Agreements and Responsible Institutional Divisions

<i>Policy field</i>	<i>Number of agreements post-Lisbon (percent)</i>	<i>Included in study</i>	<i>EP (committee)</i>	<i>Commission (DG)³²</i>
Trade	120 (27.84%)	Yes	INTA (Committee on International Trade)	TRADE (Trade) and AGRI (Agriculture and Rural Development) for agricultural matters
Justice and home affairs	87 (20.18%)	Yes	LIBE (Committee on Civil Liberties, Justice and Home Affairs)	HOME (Migration and Home affairs) or DG JUST (Justice and consumers)
Fisheries	53 (12.3%)	Yes	PECH (Committee on Fisheries)	MARE (Maritime Affairs and Fisheries)
Foreign policy (neighbourhood, and cooperation frameworks)	54 (12.53 %)	No	AFET (Committee on Foreign Affairs) and INTA for Brexit-related agreements	NEAR (Neighbourhood and Enlargement negotiations), TRADE and/or EEAS
Transport	41 (9.51%)	Yes	TRAN (Committee on Transport and Tourism)	MOVE (Mobility & Transport)
Industry and research	32 (7.43%)	Yes	ITRE (Committee on Industry, Research and Energy)	RTD (Research and innovation)
Environment and climate	18 (4.2 %)	Yes	ENVI (Committee on Environment, Public Health and Food Safety)	CLIMA (Climate Action) and ENV (Environment)
Legal affairs	11 (2.55 %)	No	JURI (Committee on Legal Affairs)	Mainly MOVE or JUST
Employment	7 (1.62 %)	No	EMPL (Committee on Employment and social affairs)	EMPL (Employment, Social Affairs and Inclusion) or MARE or EEAS
Development	3 (0.7 %)	No	DEVE (Committee on Development)	TRADE or ECHO (European Civil Protection and Humanitarian Aid Operations) or International Cooperation and Development (no longer exists)

³² Exceptionally, other DGs can be leading. Interviewees were asked with which DG/EP committee they are in touch.

Economic affairs	2 (0.46 %)	No	ECON (Committee on Economic and Monetary Affairs)	DG COMP (competition) or FISMA
Constitutional affairs (Brexit withdrawal agreement)	1 (0.23 %)	No	AFCO (Committee on Constitutional Affairs) and ad hoc EP structure	Ad hoc Commission structure

The interviews were analysed utilizing Qualitative Content Analysis. This method aims to provide a contextual description of a phenomenon,³³ here practices of EP-Commission interaction, in a systematic way. It allows to reduce data so that it can be compared across cases,³⁴ here policy fields. The coding frame comprises four main dimensions, corresponding to the four elements of the definition of practices: (1) material activities of EP involvement; (2) meaning derived by individuals; (3) mode of institutionalization and (4) structuring context. The sub-categories were developed in a data-driven way, through subsumption, as the goal is to explore in an open, inductive way the various instances of the main categories.³⁵

The transcripts were coded using the software QualCoder.³⁶ The concept of each practice was developed around the repeated intersection of specific subcategories. For example, ad hoc transmission of information by the Commission upon request of the EP (material activity) was mentioned by an interviewee as the way the Commission ‘defends’ agreements (meaning) and the ‘normal’ way to proceed (institutionalization), which follows from the fact that the EP has veto power and that there are sometimes political conflicts about agreements (structuring context). Together with similar intersections of codes, such intersection resulted in the conceptualization of the practice of informing the EP on demand.

³³ C. Maene, *Qualitative Content Analysis. A Practical Introduction*, in *Qualitative Data Analysis. Key Approaches* 239–270 (P. A. J. Stevens ed., Sage 2023).

³⁴ M. Schreier, *Qualitative Content Analysis in Practice* (Sage 2012).

³⁵ *Ibid.*, 115–120.

³⁶ C. Curtain, *QualCoder*, <https://qualcoder.wordpress.com>.

5. Practices of EP-Commission Interaction: Differentiated Inter-Institutional Engagement

I identify three types of practices of EP-Commission interaction: practices of information of the EP by the Commission, of EP preference-signalling to the Commission, and of EP-Commission direct interplay. Each of these types comprises two practices. Table 2 summarizes the identified practices, and the policy field(s) in which each of them is performed. The following sub-sections present the identified practices, the inter-institutional relations resulting from them in each policy field, and discuss the implications for the study of EP-Commission relations.

Table 2. Six practices of EP-Commission interaction

Type of practice	Practice	Material activities	Meaning(s)	Institutionalization	Structuring context	Policy fields in which the practice is performed
Commission informing the EP	<i>Routine formal updating</i>	Commission presentation in EP committee, sending of documents related to the negotiations	Abiding by legal rules 'Making things work' 'It is just how we do it'	2010 IIA EP-Commission and commitments of the High Representative	Existence of a framework providing that the EP should be informed	All policy fields
	<i>Informing the EP upon request</i>	Commission presentation in EP committees, parliamentary questions, letters to commissioners, and informal contacts	The EP gets involved on political issues Anticipation	Legal rules on parliamentary questions and presentation in committees, and normalization	Existence of the EP consent, 'political' interests of the EP	All policy fields
EP preference-signalling to the Commission	<i>EP voicing policy preferences</i>	Resolutions	The EP gets involved on political issues	Normalization of an option generally available to the EP	Existence of the EP consent, importance of international agreements in the policy field	Justice and home affairs, environment and climate, and trade
	<i>EP informal mandate setting</i>	Adoption of resolutions before international negotiations with the third country start, thorough information during the negotiations	The EP is self-assertive, the EP gets involved on political issues Anticipation	Ad hoc arrangements between INTA chair and commissioners, normalization of this use of resolutions	Existence of the EP consent, importance of international agreements in the policy field	Trade
EP-Commission direct interplay	<i>Constant informal exchanges</i>	Informal contacts: phone, ad hoc meetings, random interactions, etc.	Anticipation 'Making things work' The EP is self-assertive The EP gets involved on political issues	Normalization	Existence of the EP consent, a committee workload centred on international agreements, personalities	Trade, for some negotiations in justice and home affairs, environment and climate
	<i>Hand-in-hand agreement shaping</i>	Informal contacts, resolution adoption, parliamentary diplomacy	'Making things work' The EP is competent and it is useful to partner with the EP	Normalization	Isolated preferences of the Commission, importance of international agreements in the policy field, EP competence	For some negotiations in trade, environmental and justice and home affairs

5.1 Practices of Information of the EP by the Commission

There are two practices of informing the EP by the Commission: ‘routine formal updating’ and ‘informing the EP upon request’. They are performed in all policy fields. ‘Routine formal updating’ rests on two material activities. First, EP committees are informed about the progress of negotiations during committee meetings by Commission officials. The information provided by Commission officials in these settings is quite general (interview 3 and 4, Commission and interview 29, EP; interview 9, EP). These updates vary in their frequency. For example, they take place twice a year for LIBE, while the INTA committee discusses international agreements at each meeting, i.e., at least once a month.

‘Routine informal updating’ rests on a second material activity, namely the sending of documents by Commission DGs to EP committees. These are internal EU documents or produced in the course of the negotiations, e.g., minutes of negotiation rounds (interview 4, Commission) or draft mandates. They are either shared with the whole EP committee or with specific MEPs such as rapporteurs.

The practice of routine formal updating is understood by individuals as a question of compliance with legal rules, in particular with the 2010 IIA EP-Commission. When individuals go further in their analysis of practical implementation, they highlight that informing the EP is necessary to ‘make things work’. Thus, the practice of routine formal updating is understood as ‘normal’ in all policy fields, and generally not justified by direct references a potential EP veto.

While the practice of ‘routine formal updating’ is performed in all policy fields, there is considerable variation in the amount and nature of information received. First, there is variation between committees. The INTA committee is particularly thoroughly informed, following the ad hoc arrangement developed by successive exchanges of letters between the INTA chair and the commissioners for trade (interview 23 and 19, EP). Information sessions take place within monitoring groups, which are groups of MEPs dedicated to specific geographic areas, and meeting usually before or after negotiating rounds (interview 1, Commission and interviews 17 and 19, EP). Second, there is variation within committees depending upon the agreement negotiated (inter alia interview 29, EP).

Together with ‘routine formal updating’, all policy fields also display the practice of ‘informing the EP upon request’. This practice is performed for negotiations in which there are ‘political’ issues. It can take various forms: Commission presentations in parliamentary committees, parliamentary questions, letters to commissioners, or informal

contacts between Commission officials and MEPs, especially the rapporteurs or the shadow rapporteurs. These material activities are limited to ‘important’ cases (interview 15, EP and interview 4, Commission).

The underlying meaning of this practice of informing on demand is that the EP is a ‘political’ actor, focusing on specific issues rather than engaging in a systematic scrutiny (interview 16, EP). Anticipation is clearly articulated (interview 22 and 24, Commission and 25, EP). For example, ‘Because we know that in the end we need the consent of the EP, and therefore it is also in our interest to make sure that they are on board so to speak, even before that they have to give their consent’ (interview 10, Commission). But there are also other functional pressures to respond to EP requests, for example because of the EP role for other files (interview 22, Commission) or because a ‘negative’ EP resolution is not helping the negotiation efforts of the Commission (interview 1, Commission). On the side of the EP, the anticipatory activities of the Commission are perceived as strong availability to ‘help’, but also a way to secure EP support (interview 18, EP). For that purpose, Commission officials are often reaching out and checking whether the amount of information is satisfactory (interview 24, Commission).

The existence of the two practices of ‘routine formal updating’ and ‘informing the EP upon request’ in all policy fields demonstrates the adaptation of interinstitutional relations to EP empowerment. Thus, these material activities, which were already documented for specific negotiations agreements, constitute practices: they are institutionalized and are not, or not solely, ad hoc responses to veto leveraging.

5.2 Practices of EP Preference-Signalling to the Commission

Practices of EP preference-signalling comprise ‘EP voicing preferences’ and ‘informal mandate-setting’. ‘EP voicing preferences’ is based on the adoption of resolutions by the EP. The EP can do so at any point of the process, under its general right to adopt resolutions. EP resolutions generally contain calls upon the Commission to take into account certain issues in the negotiations. The practice of ‘EP voicing preferences’ differs from the ‘informing the EP on demand’ in that the EP does not request information, but rather gives an opinion. This practice enacts the idea that the EP is an actor that should be able to say more than yes or no, and to have an input in the agreement’s substantive

content: ‘We want to have an influence on the content and so then we make use of the possibility to issue [a resolution]’ (interview 29, EP).

The practice of ‘EP voicing preferences’ is episodically performed in all policy fields, when ‘political’ issues are at stake and MEPs mobilized. It is the most frequent in trade, justice and home affairs, and environment and climate. It is in these policy fields that it is truly institutionalized. For trade, and justice and home affairs, the performance of this practice is not only more frequent, but institutionalized in a distinctive, arguably more robust way. For trade, INTA normalized the adoption of ‘accompanying’ resolutions, which are adopted with EP decisions on consent. They give the opinion of the EP on the substantive content of the agreement and give to the Commission expectations for the implementation of the agreement or future negotiations (interview 19 and 23, EP). In justice and home affairs, the LIBE committee progressively normalized the use of interim reports. Interim reports are resolutions adopted during the negotiations with the third, non-EU country and are much more frequent and routinized than resolutions episodically adopted in other policy fields (interview 29, EP).

The second practice of EP preference-signalling is the practice ‘informal mandate setting’, performed solely in the policy field of trade. It rests on the adoption of a resolution before the Council authorizes the negotiations, i.e., before the start of international negotiations with the third country or countries. The use of such early resolutions has been normalized, both on the side of the EP and the Commission, even if it is not foreseen in the treaty-based inter-institutional equilibrium. This right to comment on the project of agreement before international negotiations start is set in the EP rules of procedure: ‘But it is a right that Parliament has very clearly spelled out by itself in its own rules of procedure ... And this is a right that has been very regularly exercised. So basically, in that early stage of preparing for the negotiations, Parliament already adopts what you could call for ... a political mandate [to] the Commission for the negotiation’ (interview 19, EP).

Even if this possibility is set in the EP rules of procedure, the policy field of trade is the only one in which it is used on a normalized basis and mentioned by interviewees as a key tool. Anticipation and veto leveraging are very much present in the meaning given to this practice. But it should be recalled that it is not systematically performed for all agreements.

Like for the practices of information, the practices of EP preference-signalling demonstrate the institutionalization of the EP's role beyond single agreements and that the EP frequently does more than giving consent and scrutinizing.

5.3 Practices of Direct Coordination EP-Commission

Practices of direct coordination between the EP and the Commission comprise 'constant informal exchanges' and 'hand-in-hand agreement shaping'. The practice of 'constant informal exchanges' rests on informal contacts between the EP and the Commission. It is recognized by implicated individuals as a legitimate and routine way of doing things. This interaction is composed of a great variety of EP-Commission contacts including phone calls, ad hoc meetings, lunches, etc.

This practice is mainly performed in the policy field of trade, and sometimes in justice and home affairs, and in environment and climate. INTA is considered by all interviewees in other EP committees as the key committee dealing with international agreements, and as distinctive in the relation developed with the Commission. By contrast, international agreements are not the 'core business' in other policy areas (interview 28, EP). LIBE has an overloaded agenda, and hence international agreements, even if numerous, are often integrated into discussions about broader policies and not focused upon specifically (interview 29 and 16, EP). Occasionally, intense informal contacts and interactions are nevertheless resorted to as well in the policy fields of justice and home affairs (interview 8, Commission and 29, EP). That is also the case for environment and climate. That is not to say that informal exchanges do not exist in other policy fields, but they do not appear to be institutionalized.

The practice of 'constant informal exchanges' differs in its material activities and depth from 'routine formal updating' and 'informing upon EP request'. But like for these practices, it is considered a useful way to 'make things work'. 'Constant informal exchanges' is considered by interviewees as a way to deal with the assertiveness of the EP and its willingness not only to scrutinize, but also to shape the agreement. Closely interacting with the EP is conceived as 'politically savvy' (interview 17, EP).

Finally, the practice of 'hand-in-hand agreement-shaping' is sometimes performed in trade, episodically in justice and home affairs, and in environment and climate. This practice rests on informal contacts, parliamentary diplomacy, resolution adoption and interactions in the context of other, related files. It is considered a normal course of action to follow, when some specific situations are encountered.

‘Hand-in-hand agreement-shaping’ is generally performed in situations in which the Commission is encountering some kind of preference gap, either relatively to the Council, to some EU Member States, or to the third country. In these situations, the Commission can collaborate closely with the EP to achieve specific objectives. For example, the EP shares with the Commission a high ambition regarding environment and climate. When the Commission is encountering issues to raise ambition, an EP resolution, EP work on internal legislation or EP informal pressure is welcomed by the Commission (interview 22, Commission and 25, EP). Parliamentary diplomacy can also be ‘useful’ for the Commission. This is for example the case when negotiations on some points are particularly tough with a third country: ‘but also we [the EP] really very much also support Commission ... [W]e don’t go there [to the third, non-EU country] like Commission spokesperson ... [but] we say “look, you need to understand that what Commission tells you is really true. No, I mean the Parliament, really does need that”’ (interview 19, EP).

The underlying meaning of hand-in-hand agreement shaping is to ‘make things work’. But it is also related to the idea that the EP is ‘competent’. This structuring context is key in explaining why practices of ‘hand-in-hand agreement shaping’ and ‘constant informal updating and interaction’ are performed particularly in the policy area of trade, in which the EP has developed a strong and recognized expertise: ‘today, honestly, I think they are experts in trade also ... which is also useful for us. Because ... they may not agree with some things, but at least they understand what we are trying to do, what we are not doing’ (interview 2, Commission).

Contrary to the two other types of practices, practices of direct EP-Commission interaction are not clearly defined by a direction of interactions between the two institutions: the initiative is not always taken by the EP or the Commission. Rather, they are highly interactive.

5.4 Three Types of Interaction EP-Commission

Based on the presence or absence of the six practices in each policy field, I distinguish three types of EP-Commission interaction, summarized by table 3.

Table 3. Three Types of Interaction EP-Commission

		Maximalist interaction	Far-reaching practices performed episodically	Routine, minimal cooperation
	Policy field(s)	Trade	Justice and home affairs; environment and climate	Fisheries; transport; industry and research
	Agreements in policy fields	Central and essential to the policy	Many, frequently politicized agreements/ few agreements, highly politicized	Few agreements, not central in the policy as the internal dimension is at the core
Type of practice	Practice	-	-	-
Commission informing the EP	<i>‘Formal routine updating’</i>	Yes	Yes	Yes
	<i>‘Informing the EP upon request’</i>	Yes	Yes	Yes
EP preference-signalling to the Commission	<i>‘EP voicing policy preferences’</i>	Yes	<i>Yes, frequently</i>	No
	<i>‘Informal mandate setting’</i>	<i>Yes, frequently</i>	No	No
Direct coordination EP-Commission	<i>‘Constant informal exchanges’</i>	Yes	<i>Yes, episodically</i>	No
	<i>‘Hand-in-hand agreement shaping’</i>	<i>Yes, episodically</i>	<i>Yes, episodically</i>	No

First, three policy fields display routine, minimal cooperation between EP and the Commission: fisheries, transport, industry and research. In these policy fields, only practices of the type ‘informing the EP’ are performed– namely ‘formal routine updating’ and ‘informing the EP upon request’. In these policy fields, routine, minimal cooperation is considered by EP and Commission actors as sufficient to ‘make things work’. This is not to say that there never is more far-reaching EP-Commission interaction in these policy fields, or that the two institutions are never in conflict regarding international agreements. However, only practices of informing the EP are institutionalized.

Second, two policy fields display far-reaching practices of EP-Commission interactions, but the latter are only occasionally performed: justice and home affairs, and

environment and climate. In these two policy fields, practices of informing the EP are performed, but also, even if not systematically, ‘EP voicing policy preferences’, ‘constant informal exchanges’ and ‘hand-in-hand agreement shaping’. These two policy fields are thus in an in-between situation. The EP and the Commission have sometimes rich interactions, which are not anecdotal or purely ad hoc, but not very frequent either.

Third, all practices are performed in the policy field of trade. Moreover, practices of informing the EP are more far-reaching than in other policy fields. Likewise, ‘constant informal exchanges’ and ‘hand-in-hand agreement shaping’ are more frequent. Finally, trade is the only policy field displaying ‘informal mandate-setting’. Thus, trade displays a type of EP-Commission interaction which is ‘maximalist’ in the sense that more practices of interaction are performed, more frequently and in a more in-depth way.

Thus, when it comes to international agreements, inter-institutional relations largely depend upon the policy field. This is not a question of EP veto credibility solely. Indeed, there was an EP veto for each type of EP-Commission interaction: in trade (for the Anti Counterfeiting Trade Agreement), in justice and home affairs (for the so-called SWIFT agreement, which was related to data transfers), and in fisheries (for an agreement with Morocco).³⁷ Practices of EP-Commission interaction are not only a question of broader state of inter-institutional relations either. Both DG TRADE and INTA on the one hand, and DG MOVE and TRAN on the other hand, have created an ‘enhanced’ framework of cooperation facilitating inter-institutional contacts and relations (interview 16, EP).

Thoroughly explaining this variation in practices goes beyond the scope of this article, which aims at characterizing EP-Commission interactions. However, the importance of international agreements in different policy fields – and probably the amount of resources allocated to them – arguably plays a role. First, trade displays the maximalist type of interaction and is the field in which international agreements are most frequently negotiated (cf. table 1). While there are other trade policy instruments, agreements are at the core of trade policy. At the other end of the spectrum, agreements are much less frequently negotiated in the policy fields displaying routine, minimal cooperation – namely fisheries, transport, and industry and research. Internal EU policies are central in these policy fields, and the external dimension is not as critical as in trade. In between, justice and home affairs on the one hand, and environment and climate on the other hand, both episodically display far-reaching practices but are in contrasted situations. In justice

³⁷ A. Ott, *The European Parliament’s Role in EU Treaty-Making*, 23 *Maastricht Journal of European and Comparative Law* 1009 (2016) DOI: 10.1177/1023263X1602300606.

and home affairs, agreements are frequent (cf. table 1) and mostly bilateral. In environment and climate, agreements are rare,³⁸ mostly multilateral, and central in the management of these issues globally. However, for both policy fields, internal policies are more central than in trade. Moreover, the external dimension is arguably more politicized than in policy fields displaying routine, minimal cooperation.

Finally, the variation between policy fields should not overshadow variation within policy fields. Not all practices are performed systematically for all international agreements. Rather, they are performed when EP actors are ‘interested’, when issues are ‘politically important’.

5.5. Discussion

The analysis of practices and types of interaction has implications for the study of EP-Commission relations and more broadly of inter-institutional relations. First, in line with what could be expected on the basis of the existing literature, trade appears as a distinctive policy field regarding international agreements.³⁹ This article provides evidence of this by comparing systematically six of the main policy fields. Actually, even beyond international agreements, trade appears as a policy field in which executive-legislative relations are comparatively strongly developed, and in which the parliamentarization trend has been stronger.⁴⁰

Second, the empirical analysis shows a fragmentation of the EU’s political system: when it comes to international agreements, inter-institutional relations differ from policy field to policy field. This pattern can be compared with trilogues, which bring together representatives of the EP, the Commission and the Council in order to negotiate a compromise on EU legislation and reach an ‘early agreement’. Like for international agreements with EP consent, the introduction of the Ordinary Legislative Procedure (OLP) by the Lisbon treaty triggered the development of new practices in inter-institutional relations.⁴¹ Trilogues are used in all policy areas and constitute a form of

³⁸ Negotiations are frequent in the United Nations Framework Convention on Climate Change, but they seldom lead to international agreements in the meaning of Art. 218 TFEU.

³⁹ Frennhoff Larsén, *supra* n. 13.

⁴⁰ D. Fromage & A. Herranz-Surrales, *Executive–Legislative (Im)balance in the European Union* (Hart Publishing 2020).

⁴¹ C. Roederer-Rynning & J. Greenwood, *The Culture of Trilogues*, 22 *Journal of European Public Policy* 1148 (2015), doi: 10.1080/13501763.2014.992934.

‘standard operating procedure’, even if are not systematic,⁴² and do differ depending upon the policy field.⁴³ Of course, international agreements differ in their substance from internal legislation, and the EP has much more formal powers regarding internal legislation. But this fragmentation of practices for international agreements depending upon the policy field entails that parliamentary scrutiny and oversight is not exercised in the same way for files that follow the same procedure.

Third, the EP-Commission relation cannot be analysed exclusively through dynamics of veto leveraging and from the point of view of the EP. While the idea of leveraging is very important in the meaning of practices, a pragmatic understanding is as well present. This is congruent with the observation that the EP is generally involved in a rather constructive way,⁴⁴ rather than in a dynamic of constant conflict. Besides, the EP does not always leverage its veto: MEPs are not always ‘interested’. Practices of EP-Commission interaction are co-constructed by the two institutions: less far-reaching practices are not (only) the result of Commission ‘resistance’ to EP involvement, but also of less or different EP involvement. Actually, the EP’s veto power was obtained, at least regarding trade, with Commission support.⁴⁵ Taken together, these elements warn against looking at EP involvement solely from the perspective of assertive self-empowerment.

Fourth, because they are fragmented depending upon the policy field and rely not solely of the existence of the EP veto power, practices of EP-Commission interaction are potentially unstable. There is a strong reliance on informality, dependence to the routines established in specific policy fields, and to the regular performance of these practices by both the EP and the Commission. Even if there is a largely shared meaning that these practices are a way to ‘make things work’, they can also unravel. The EP has been empowered progressively, often through pragmatic adaptation in inter-institutional relations.⁴⁶ But changes in the approach of implicated actors could challenge this. In this

⁴² T. Laloux, *The Effect of Trilogues on the European Commission’s Success in Legislative Negotiations: A Reappraisal*, 25 *European Union Politics* 440 (2024), doi: 10.1177/14651165241234150.

⁴³ Brandsma, *supra* n. 23.

⁴⁴ C. Eckes, *EU Powers Under External Pressure: How the EU’s External Actions Alter its Internal Structures* 149–184 (2019).

⁴⁵ G. Rosen, *A Match made in Heaven? Explaining Patterns of Cooperation Between the Commission and the European Parliament*, 38 *Journal of European Integration* 409 (2016), doi: 10.1080/07036337.2016.1141903.

⁴⁶ Urban, *supra* n. 19.

regard, the increasing presence of MEPs from Eurosceptic parties may challenge the ability of the EP to play the role of an institutional partner through these practices.

6. Conclusion

This article has unpacked how the EP and the Commission interact when the EU negotiates international agreements. It has outlined six practices of EP-Commission interaction and delineated three types of resulting EP-Commission interaction, which depend upon the policy field and vary in the depth and reach of EP involvement. Moreover, within a single policy field, the performance of practices varies from agreement to agreement.

This variation shows that the EP's veto power is important, but that it is not the sole foundation of EP-Commission interactions. This calls into question the state of play of inter-institutional relations in its absence, as there is an increasing number of international agreements or 'arrangements' not subject to the procedure set by Article 218 TFEU.⁴⁷ Future research should examine whether the presence of a potential EP veto is a necessary condition for practices of EP-Commission interaction, or if dynamics endogenous to policy fields can be sufficient.

More generally, the analysis shows the importance of approaching EP involvement not solely from the point of view of the EP. Inter-institutional relations are forged through interactions. In particular, when the EP is closely involved with the Commission, this increases EP influence, but tends to decrease the visibility of EP involvement and the EP's ability to connect with contestation.⁴⁸ Such ability is important in the context of the growing politicization of (trade) agreements, and was actually one of the concerns of the Commission when supporting EP empowerment.⁴⁹ In the line with the approach of this article, which looks at the interaction between the EP and the Commission, rather than focusing solely on the EP's perspective, future research could explore further how and to what extent the Commission leverages EP involvement in the context of this growing politicization.

⁴⁷ R. A. Wessel, Normative Transformations in EU External Relations: The Phenomenon of 'Soft' International Agreements, 44 *West European Politics* 72 (2021), doi: 10.1080/01402382.2020.1738094.

⁴⁸ Eckes, *supra* n. 44.

⁴⁹ Rosen, *supra* n. 45.