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THE EUROPEAN PARLIAMENT IN EU EXTERNAL RELATIONS AFTER MAASTRICHT: APPLYING THE “FEDERAL PARADIGM”

The European Parliament has been in the epicenter of the Lisbon treaty reforms discussions. However, the Lisbon innovations can only be understood and interpreted from an evolutionary perspective. The article offers a historical analysis of the development of the Parliament's competences by the Maastricht treaty with its revolutionary development of practical application of the “federal paradigm” to the legal status of the Parliament.

The major argument is that the “federalism paradigm” application was the key factor promoting the rise of the Parliament's competences in EU external relations. This approach transformed the view at the Parliament and promoted further development of its competences within the classical parliamentary triad: budgetary, legislative and external relations.

Key words: The European Parliament, external relations, the Lisbon treaty, the Maastricht treaty, “federalism paradigm”

The European Parliament (“the Parliament”) has been in the epicenter of the Lisbon treaty reforms discussions, with its appeal to improve the EU transparency and accountability through parliamentary scrutiny thus emphasizing the fundamental role of the Parliament in the EU institutional system in terms of democracy and legitimacy¹. One of the most important outcomes of the reforms was increase of the Parliament's role in the Union external relations, which coincides with the general tendency described as “the slow but sure rise of power of a new kind of a parliamentary assembly”².

It is certainly true that the Lisbon innovations and modifications can only be understood and interpreted from an evolutionary perspective³. The idea of the “evolutionary perspective” should be understood in a wider context as the development of the Parliament's competences took place in a unique context of European integration processes. Among different aspects of this dynamic context one should mention the development of the EU as a unique supranational organization with continuous increase of both internal and external competences as well as development of its institutional system⁴. Separately should be emphasized the interconnection between the development of the Parliament's role in the EU external relations and rise of its competences in legislative and budgetary spheres.

This article offers a historical analysis of the development of the Parliament's competences in the EU external relations with the focus on the Maastricht treaty with its revolutionary development of practical application of the “federal paradigm” to the legal status of the Parliament. The article covers both development of the law and the practices of the Parliament's participation in the external relations within the said historical period of the EU development.

My argument is that the “federalism paradigm” of the EU development was the key factor promoting the rise of the Parliament's competences in EU external relations. This paradigm caused the transformation of the view at the European Union from a pure economic⁵ regional organization to a supranational power, taking over functions of the national member-states⁶. This approach transformed the view at the Parliament and promoted further development of its competences within the classical parliamentary triad: budgetary, legislative and external relations. However, those were the unique features of the European Union that

¹ Eeckhout, P. (2011). *EU external relations law*. Oxford: Oxford University Press, 193.

² *Building European Parliament: 50 years of European parliament history 1958-2008* (2009). Luxembourg, 129.

³ Eeckhout, P. (2011). *EU external relations law*. Oxford: Oxford University Press, 167.

⁴ Westlake, M. (1994). *A Modern Guide to the European Parliament*. London: Pinter, 5.

⁵ Art. 2, 4 ECSC; Art. 2 EEC Treaty.

⁶ Wessels, W. (1997). An Ever Closer Fusion? A Dynamic Macropolitical View on Integration Processes, *Journal of Common Market Studies*, 2, 278, 267–299.

determined specific practices that the Parliament utilized while fulfilling its competences in the EU external relations.

In terms of the Parliament's competences evolution, described as the process "characterized by steady progress punctuated by sudden leaps forward" M. Westlake marks the Maastricht treaty as "undeniably the greatest leap at all"¹. The Maastricht treaty presented a comprehensive and coherent concept offering to the Parliament the classical parliamentary triad of competences: budgetary, legislative and international treaty-making competences in their inter-connection, thus making the Parliament "the largest net beneficiary of the institutional changes in the TEU"². This development was facilitated by both growing political pressure for the enhanced role of the Parliament in a more federal Europe and the necessity to codify the competences that the Parliament already obtained. In this context the practice of direct elections to the Parliament, which started from 1979, added a new dynamism affecting the situation to the extent that the Parliament grew in self-confidence and respectability as well as raised its expectations and demands³. Certainly, the timing for the elections already stipulated in the original EEC treaty⁴ was not accidental, as the federal core of this event was obvious⁵.

It is worthwhile mentioning the wide discussion about the future of the European integration process, which was launched by the period of "Europessimism" of the late 1970s and early 1980s⁶. This discussion took a specific form of combination of European Council declarations⁷ and special topical reports of high-profile politicians and scientists⁸. The future of the European Union was generally viewed through federalists' lens⁹, therefore the development of the Parliament's competences was unanimously accepted among the measures to "respond to the expectations of the people of Europe by adopting measures to strengthen and promote its identity and its image both for its citizens and for the rest of the world"¹⁰.

Quite commonly the discussion is described as competition between "minimalist" and "maximalist" wings inside the federalists' movement¹¹. The "maximalists" movement, "led by venerable Altiero Spinelli", culminated in the Parliament resolution of February 1984¹² proposing a "Draft Treaty Establishing the European Union"¹³. The document foresaw central position of the Parliament in the EU institutional system with equal rights with the Council in the legislative and budgetary processes¹⁴. The Draft Treaty also implied the conduct of common foreign policy with the Commission being the sole EU representative in the external relations¹⁵ under the general rule of the Commission political accountability and responsibility to the Parliament¹⁶. The Union international treaty-making procedure consisted of Commission negotiating agreements under the Council guidelines and the Parliament being fully informed about the process and double approve of the agreement by Parliament and Council, both acting "by an absolute majority"¹⁷. Although, formally the Single European Act was mostly based on the White Paper

¹ Westlake, M. (1994). *A Modern Guide to the European Parliament*. London: Pinter, xii.

² Wallace, H. (1996). *Politics and Policy in the EU: The Challenge of Governance. Policy-Making in the European Union*. Oxford: Oxford University Press, 63.

³ Presidency Conclusions of the European Council meeting on 14-15 December 1990
<<http://www.europarl.eu.int/summits>>, Political Union section, paragraph 1.

⁴ Art. 138 EEC Treaty.

⁵ Nugent, N. (1999). *The Government of Politics in the European Union*. Macmillan, 220-221.

⁶ Moravcsik, A. (1991). Negotiating the Single European Act: national interests and conventional statecraft in the European Community 45 *International Organization*, 1, 19, 19-56.

⁷ Summits in Copenhagen 14-15 Dec. 1973, Paris 9-10 Dec. 1974; the Hague 29-30 Nov. 1976; Copenhagen 7-8 Apr. 1978; Stuttgart 17-19 June 1983; Fontainebleau 25-26 June 1984.

⁸ Adoninno report (28-29 June 1985); Dooge report (29-30 March 1985); Vedel report (25 March 1972); Davignon report (27 October 1970).

⁹ See Dooge report (29-30 March 1985) or Vedel report (25 March 1972).

¹⁰ Conclusion of Fontainebleau European Council 25-26 June 1984.

¹¹ Gazzo, M. (1985). *Towards European Union: from the 'Crocodile' to the European Council in Milan*. Brussels: Agence Europe, 1, 7-10.

¹² European Parliament resolution of 14.02. 1984. *Bulletin of the European Communities*. February 1984, 2.

¹³ Eeckhout, P. (2011). *EU external relations law*. Oxford: Oxford University Press, 22.

¹⁴ For the general status of the Parliament see Art.14-16 DTEU for its legislative competences Art.37-38 DTEU, on budgetary process Art.76 DTEU

¹⁵ Art. 63-69 DTEU.

¹⁶ Art. 29 DTEU.

¹⁷ Art. 65 DTEU.

and the Dooge Committee's report¹, not the Spinelli's Draft Treaty², the latter not only "launched the process of constitutionalising the European Union"³, but also had a tremendous ideological influence on the Maastricht treaty as well as on the further revision agreements⁴.

The unification of Germany in 1990 and the plans to introduce European single currency raised the issue of the political union⁵, which, however, was generally viewed as a federal structure⁶. The position of the EEC institutions was supported by a strong German appeal for further federalization of Europe⁷ backed by the French president⁸. Therefore the role of the Parliament in the future union became one of the central issues of the discussion with the common Franco-German understanding of the need to increase both political role and competences of the Parliament⁹.

At that time the development of Parliament's role in the EEC reached the stage already demanding codification. Budget authorities acquired under Luxembourg and Brussels accords¹⁰, assessed as 'a stepping stone' towards a Parliament with traditional competences¹¹, participation in the legislative process under the "cooperation procedure" after Single European Act and successful practice of participation in external relations created a solid background for formation of an integrated approach to the position of the Parliament in the Union institutional system.

Discussing the Maastricht reforms for the Parliament it separately should be emphasized that the classical triad of competences: legislative, budgetary and external relations competences was introduced in an integrated manner, which gave raise to studies comparing the European Parliament with a parliament in a national state¹². Moreover, the introduction of co-decision procedure developed the Parliament from a rather 'decorative' to a powerful legislative institution¹³, changing the geometry of institutional relations from a two-sided debate to a triangular discussion¹⁴.

The Maastricht "pillared" structure officially formalized the split of the EU external relations sphere into CFSP and "Community policies". As a consequence provision regulating accession of new members were transferred to TEU, although without changing Parliament's right of assent¹⁵. The initial urge of the SEA for greater involvement of the Parliament in the Community foreign policy¹⁶ was reinforced by Art. J.7 of the Maastricht treaty, which offered to the Parliament the rights to be regularly informed about the development of the Union's CFSP and to be consulted "on the main aspects and the basic choices of the

¹ Ruyt, J. (1987). *L'Acte unique européen*. Bruxelles: Editions de l'Université de Bruxelles, 56.

² Pinder, J. (2009). Altiero Spinelli's European Federal Odyssey. *Altiero Spinelli – European Federalist*. Brussels, European Parliament, 35.

³ Ponzano, P. (2009). The 'Spinelli' Treaty of February 1984: the Constitutionalisation of the European Union is launched. *Altiero Spinelli - European Federalist*. Brussels, European Parliament, 40.

⁴ Amsterdam, Nice and Lisbon treaties.

⁵ Smith, B.P.G. (2002). *Constitution Building in the European Union: The Process of Treaty Reforms*. The Hague: Kluwer Law International, 121.

⁶ Burgess, M. (2000). *Federalism and the European Union: The Building of Europe, 1950-2000*. New-York, Routledge, 203.

⁷ Nicoll, W., Salmon, T. C. (2001). *Understanding the European Union*. Harlow, Longman, 39.

⁸ Laursen, F., Vanhoonacker, S. (1992). *The Intergovernmental Conference on Political Union: Institutional Reforms, New Policies and International Identity of the European Community*. Springer, 56.

⁹ Kohl-Mitterrand Letters of 19.04.1990 and 06.12.1990 to the Irish Presidency, and to Mr. Andreotti, in Agence Europe, 20 April 1990. in Agence Europe 10 and 11 December 1990.

¹⁰ Budgetary treaties of 1970 and 1975.

¹¹ Rittberger, B. (2005). *Building Europe's Parliament*. Oxford: Oxford University Press, 114.

¹² Norton, P. (1990). *Legislatures*. Oxford: Oxford University Press.

¹³ Wallace, H. (1996). Politics and Policy in the EU: The Challenge of Governance. *Policy-Making in the European Union*. Oxford; Oxford University Press, 63.

¹⁴ (Co-)governing after Maastricht: the European Parliament institutional performance 1994 – 1999. Directorate-general for research working paper, 7. Political Series: POLI 104. <http://bookshop.europa.eu/en/-co-governing-after-maastricht-pbQAPOLI104/downloads/QA-PO-LI-104-EN-N/QAPOLI104ENN_001.pdf;pgid=y8dIS7GUWMDSR0EAIIMEUUsWb0000sNy36DNt;sid=o4D5lyuYyqn41ntob9tnMEM9AUOfx4lb39A=?FileName=QAPOLI104ENN_001.pdf&SKU=QAPOLI104ENN_PDF&CatalogueNumber=QA-PO-LI-104-EN-N>.

¹⁵ Art. O of Maastricht Treaty on European Union.

¹⁶ Art. 30 of Single European Act.

common foreign and security policy”, as well as the right to ask questions and have “an annual debate on progress in implementing the common foreign and security policy”¹.

The Maastricht treaty also offered a common treaty-making procedure for the “Community” spheres by introducing Article 228². This procedure was to be used in every case where the treaty provides for the conclusion of an international agreement. The introduction of a unified procedure was a big step forward in the process of institutionalization EU external relations area, although it covered only its “Community” component. Article 228 increased the Parliament’s assent for international agreements to the four following cases:

- association agreements;
- agreements establishing a specific institutional framework by organizing co-operation procedures;
- agreements having important budgetary implications for the Community;
- agreements entailing amendment of an act adopted under the procedure referred to in Article 189b (co-decision)³.

Besides association agreements that traditionally demanded the Parliament’s assent, three new cases created a direct link between Parliament’s internal and external competences. In a way this development continued practical implication of the “parallelism” concept, started by the landmark ECJ ruling in the AETR case⁴, however, in a more focused and specific sphere: unification of the Parliament’s competences. Establishment of this connection certainly had clear logic as the agreements could affect act which the Parliament had jointly adopted with the Council⁵. The Maastricht treaty not only integrated Parliament’s treaty-making and legislative competences, by also increased the scope for the Parliament’s assent onto 15 policy areas, where the co-decision procedure was applicable⁶.

Although this revolutionary development can hardly be over-estimated from the point of view of formation of a solid integrated status of the Parliament in the EU institutional system, there are two issues to be stressed as for the formula of the established link. First, the Parliament’s assent was necessary only for those areas, where co-decision procedure was applicable, thus the formula ignored the areas where other procedure of active Parliament’s participation were used: cooperation and assent. And second, the Parliament was entitled for assent only if the internal Community legislative act had already been adopted and demanded amendments after the conclusion of an international treaty. This approach resembles the formula, existing in the EU-member states shared competence division⁷ rather than follows the logic of institutions’ involvement in the legislative process. With the international agreements’ direct effect being the general rule, it was incongruous that the EC Treaty did not require Parliamentary assent for all acts adopted in the field where the co-decision procedure applied⁸.

The formula “specific institutional framework” was usually understood as some kind of a larger political framework extending “pure” commercial nature- e.g. association, partnership, or economic partnership agreements⁹. Practice of the association and partnership agreements showed that special structures created under the agreements were usually entitled to adopt binding legal instruments¹⁰.

¹ Art. J.7 of Maastricht Treaty on European Union.

² Art 80 (228) of Maastricht Treaty provisions amending the Treaty establishing the European Economic Community with a view to establishing the European Community.

³ Para 3 Art 80 (228) of Maastricht Treaty provisions amending the Treaty establishing the European Economic Community with a view to establishing the European Community.

⁴ Case C-22/70, Commission v Council [1971]ECR 263.

⁵ Westlake, M. (1994). *A Modern Guide to the European Parliament*. London: Pinter, 158.

⁶ Co-)governing after Maastricht: the European Parliament institutional performance 1994 – 1999. Directorate-general for research working paper, 7. Political Series: POLI 104. <http://bookshop.europa.eu/en/-co-governing-after-maastricht-pbQAPOLI104/downloads/QA-PO-LI-104-EN-N/QAPOLI104ENN_001.pdf;pgid=y8dIS7GUWMdSR0EAIMEUUsWb0000sNy36DNt;sid=o4D5lyuYyqn41ntob9tnMEM9AUOFx4lb39A=?FileName=QAPOLI104ENN_001.pdf&SKU=QAPOLI104ENN_PDF&CatalogueNumber=QA-PO-LI-104-EN-N>.

⁷ Art 2(2) TFEU; or Art 5 (3b) Maastricht treaty.

⁸ Eeckhout, P. (2011). *EU external relations law*. Oxford: Oxford University Press, 203.

⁹ Maurer, A. (2011). Framework Agreements between the EP and the Commission: the “legislative contract” and the tool-kit for parliamentarising the Treaty’s grey area, 19. Conference paper European Union Studies Association (EUSA): Biennial Conference: 2011 (12th). <euce.org/eusa/2011/papers/7k_maurer.pdf>.

¹⁰ The most famous examples are “European association agreements” concluded with CEE countries, implying

Therefore the Parliament's assent for such agreements is a logical step securing its new competences and ensuring absence of potential legal conflicts between Parliament's co-decision competences and its exclusion from the process of adoption of the legal acts under the special institutional framework created by the Union international agreements.

The Parliament's assent right for agreements having important budgetary implications stressed both its growing importance in the budgetary process and increasing inter-connection between the "power of purse" and implementation of the Union international agreements¹. This provision also revealed influence of the federalists' perspective to the future of the EU project, as it offered much broader competences to the Parliament extending its limited budgetary competences covering only non-compulsory expenditures at that time, thus implying further strengthening of the latter. Despite lack of clearness of the definition², the extension of the assent to agreements having budgetary implications was a significant advantage for the Parliament³. Moreover, those were budgetary authorities⁴ that later created leverage for the Parliament to participate in the CFSP⁵.

Like other previous treaties, the TEU left the institutions with a wide range of questions, particularly regarding their roles and powers, provoking sharp increase of inter-institutional agreements⁶, which were a pragmatic answer to resolve frictions in the EU institutional triangle⁷. Post-Maastricht agreements included wide scale of subjects from general issues of democracy and transparency to specific problems of application of co-decision procedure and budgetary discipline⁸, however, their general trend was to strengthen the Parliament's position by expanding its control, information and legislative competencies, and placing it on an equal footing with the Council⁹. From the perspective of the Parliament external competences the most important are amended Code of conduct of 1995¹⁰ and agreement on provisions regarding the financing of the CFSP¹¹, which resulted from uneasy implementation of the first CFSP joint action¹². The latter document provided for the equal participation of the Parliament alongside the Commission and the Council in the adoption of annual agreements of the operational CFSP expenditures¹³. It also specified the provisions of Article 7 TEU into a detailed framework providing for annual formal consultations of the Parliament by the Presidency on a document established by the Council on the main aspects and basic choices of the CFSP, including the financial implications for the Community budget.

binding acts adopted by Association Councils.

¹ Jacobs, F., Corbett, R. (1990). *The European Parliament*. Longman Group, Essex, 298.

² Case C-189/97 European Parliament v Council [1999], ECR I-4741.

³ Westlake, M. (1994). *A Modern Guide to the European Parliament*. London: Pinter, 158.

⁴ Diedrichs, U. (2004). The European Parliament in CFSP: More than a Marginal Player? *The International Spectator*, 2, 38.

⁵ Westlake, M. (1994). *A Modern Guide to the European Parliament*. London: Pinter, 162.

⁶ Hummer, W. (2004). Interinstitutionelle Vereinbarungen und "institutionelles Gleichgewicht.

Paradigmenwechsel im Europarecht zur Jahrtausendwende. Ansichten österreichischer Integrationsexperten zu aktuellen Problemlagen, Forschung und Lehre im Europarecht. Vienna, 111-180.

⁷ Monar, J. (1994). Interinstitutional Agreements: The phenomenon and its new dynamics after Maastricht. *Common Market Law Review*, 4 (31), 693-719.

⁸ (Co-)governing after Maastricht: the European Parliament institutional performance 1994 – 1999. Directorate-general for research working paper, 7. Political Series: POLI 104. <http://bookshop.europa.eu/en/-co-governing-after-maastricht-pbQAPOLI104/downloads/QA-PO-LI-104-EN-N/QAPOLI104ENN_001.pdf;pgid=y8dIS7GUWMdSR0EAIMEUUsWb0000sNy36DNt;sid=o4D5lyuYyqn41ntob9tnMEM9AUOFx4lb39A=?FileName=QAPOLI104ENN_001.pdf&SKU=QAPOLI104ENN_PDF&CatalogueNumber=QA-PO-LI-104-EN-N>.

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¹⁰ Code of Conduct of 14 March 1995 OJ [1995] C 89/68.

¹¹ Inter-institutional agreement of 16 July 1997 between the European Parliament, the Council and the European Commission on provisions regarding the financing of the Common Foreign and Security Policy, OJ [1997] C 286/80

¹² Monar J. (1997). The Finances of the Union's Intergovernmental Pillars. Tortuous Experiments with the Community Budget. *JCMS*, 35, 57-78.

¹³ Article C Inter-institutional agreement of 16 July 1997 between the European Parliament, the Council and the European Commission on provisions regarding the financing of the Common Foreign and Security Policy, OJ [1997] C 286/80.

Moreover the Presidency was obliged regularly inform the Parliament on the development and implication of CFSP actions.¹ The document also obliged the Council to provide to the Parliament the estimate of the cost in case it adopts a CFSP decision entailing expenses², as well as to present detailed financial plans of joint actions at quarterly basis³. The Parliament's dissatisfaction with the quality and timely delivery of the information led to adoption of the Joint Declaration of 2002, providing very concrete dates and procedures for the budgetary process as well as a regular political dialog on the CFSP in the framework of which the Council shall "give early warning on CFSP Joint Actions which might have important financial implications"⁴.

The amended Code of Conduct contained detailed rules of the Parliament's involvement in the EU treaty-making process. The Parliament through its competent committee was entitled to obtain from the Commission the information of the draft recommendations relating to the negotiating Directives, including confidential information. Moreover, the Parliament was to be "regularly and fully informed" by the Commission about the progress of the negotiations⁵. Another important development was the possibility of MEPs to participate in the negotiation process as observers with understanding that they "may not take part directly in the negotiating sessions"⁶. This innovation put the EP in a position to set conditions "that were never part of the original policy guidelines, thus allowing effective reshaping of its policies according to the development of the situation already in the negotiation process"⁷.

Another important development of the Maastricht treaty was introduction of common Union value as the objectives of its foreign policy, which included those, traditionally promoted by the Parliament⁸, giving rise to the inter-institutional accord in systematic use of political conditionality in relations with third countries⁹. Council declaration of 11 May 1992¹⁰, and documents that followed¹¹ established persistent practice of "human rights clause" introduction in EU international agreements, nowadays applicable to over 120 EU agreements¹². Against this background the Parliament's promotion of the "European values" agenda received a new impulse as its resolutions finally obtained a solid legal basis of both "primary" and "secondary" legislation. Moreover, the Maastricht treaty connected the Union development co-operation sphere with the promotion and protection of democracy, the rule of law, and respect of human rights and fundamental freedoms¹³.

The practice of CIS partnership and cooperation agreements as well as "Europe agreements" with CEE countries are vivid examples thereof as the collapse of the Soviet Union and the "Eastern block" determined major trends of the 1990th making Europe and post-Soviet space one of the priorities for the EU external policies. From the former group of agreements development with Russia and Kazakhstan represent

¹ Art. L Inter-institutional agreement of 16 July 1997 between the European Parliament, the Council and the European Commission on provisions regarding the financing of the Common Foreign and Security Policy, OJ [1997] C 286/80.

² Art. M Inter-institutional agreement of 16 July 1997 between the European Parliament, the Council and the European Commission on provisions regarding the financing of the Common Foreign and Security Policy, OJ [1997] C 286/80.

³ Art. N Inter-institutional agreement of 16 July 1997 between the European Parliament, the Council and the European Commission on provisions regarding the financing of the Common Foreign and Security Policy, OJ [1997] C 286/80.

⁴ Declaration of the European Parliament, the Council and the Commission on financing the CFSP in accordance with the IIA of 6 May 1999 <http://www.eu-ophlysnigen.dk/dokumenter/ft/bilag/2002_2003/20030305/>.

⁵ Art. 3.10 of Code of Conduct of 15.03.1995.

⁶ Art. 3.10 of Code of Conduct of 15.03.1995.

⁷ The European Parliament: influence in the EU's External relations. *Paper at 5th ECSA Conference*, Seattle, WA, 30.05.1997.

⁸ Art. J.1 of Maastricht Treaty on European Union.

⁹ 1994 Memorandum to European Parliament on the activities on the activities of the European Union in the field of human rights. Document 4404/95 of 24.01.1995.

¹⁰ 6326/92 (Press 71 G) – (1992). EC Bulletin, 5, 1.2.12.

¹¹ Commission Communication COM (95) 216 of 23.05.1995; Council regulation 443/92 OJ L 52, 27.02.1992; Council conclusions 7481/95 (Press 152 G) of 29 May 1995.

¹² Horng, D. C. (2003). The Human Rights Clause in the European Union's External Trade and Development Agreements. *European Law Journal*, 9, 677.

¹³ Art. 130u of Maastricht Treaty provisions amending the Treaty establishing the European Economic Community with a view to establishing the European Community.

consistent commitment of the Parliament to its agenda of “European values” as well as instruments it uses to have its voice heard.

Partnership and Cooperation agreement with Kazakhstan was signed 23.01.1995. However, in March 1995 the President of Kazakhstan dissolved Soviet (Parliament) following the ruling of the Kazakh Constitutional Court. The Parliament’s reaction to the crisis was the adoption of the resolution stating that “the ratification of the partnership agreement with Kazakhstan must be suspended until new general elections have been held free of the defects of those held in March and April 1994” and calling for the Commission and Council to offer help to Kazakhstan to create “the legal framework for the establishment of parliamentary democracy”¹. Further development of the situation as well as the Parliament’s reaction led to the fact that the EP persistently held up its assent in the partnership accord with Kazakhstan and granted it only after two years after it had been signed – in March 1997.

Partnership and cooperation agreement with Russia was signed in 1994 after about two years of negotiations. However, the start of the full-scale military operation in Chechnya in December 1994 was the reason of the suspension of the ratification process. On 19 January 1995 the EP, adopted a document supporting the Commission’s decision to suspend the ratification process of the interim agreement and calling on the Council “not to make any further progress with the final ratification of the Partnership Agreement with the Russian Federation”². The ceasefire as well as halt of atrocities and massive human rights violations were named as major conditions for ratification of the interim cooperation agreement. In 1995 OSCE mission reported continuation of serious human rights violations, nevertheless, the Council wanted ratification of the interim agreement to proceed if Russia pledged to honour its obligations in the near future³. The Parliament’s reaction was the discussion of the Council’s position in relation to Russia’s obligations under international human rights treaties. Mostly due pure political reasons the Cannes European Council signed the interim agreement in July 1995, arguing that “progress has been made with regard to the situation in Chechnya”⁴. However, the continuous military conflict led to the delay in the ratification process of the complete agreement. The Parliament’s numerous resolutions expressed condemnation of the military atrocities and mass human rights violation. It finally gave the assent for the ratification only in the second half of 1996⁵, with the agreement becoming effective only in until December 1997.

Concluding this article, the following should be emphasized. First, the formation of the European Union and continuous dominance of the federalism paradigm of its development promoted the rise of the Parliament’s international treaty-making competences and their direct interconnection with its legislative and budgetary authorities thus providing an integrated approach to the Parliament status. Ironically the reference to the federal vocation of the new Treaty was dropped as a concession to the British in exchange for co-decision procedure application for a greater number of cases⁶.

Second, consolidation of the “European values” at the level of “primary law” facilitated increase of political weight of the Parliament’s resolutions as it continued persistent promotion of this agenda in the context of the treaty-making process. Building a high profile in public opinion in Turkey⁷,

¹ European Parliament Resolution on the partnership agreement with the NIS of 07 April 1995, para 5 (OJ No. C.109) of 01.05.1995, 298.

² Resolution on the situation in Chechnya, OJ p.80 T0249 Session doc. B4-0031/95 OR Recommendation of the European Parliament to the Council on the development of relations with the Russian Commission to the Council and the European Parliament on Federation and the situation in Chechnya OJ p. 90, Session doc A4-0134/95

³ Miller, V. (2004). The Human Rights Clause in the EU’s External Agreements. *Research Paper 04/33 of 16 April 2004*, 44. <<http://www.parliament.uk/briefing-papers/RP04-33/the-human-rights-clause-in-the-eus-external-agreements>>

⁴ Cannes European Council Presidency Conclusions, 26-27 June 1995, Press: Nr: 00211/95. <<http://ue.eu.int/en/Info/eurocouncil/index.htm>>.

⁵ See for example European Parliament Resolution on violence in Chechnya and Russia of 18.01.1996 OJ C 32, 5.2.1996, p. 103 or European Parliament Resolution on the escalation of violence in Chechnya of 14.03.1996 OJ C 96, 30.3.1996, p. 301.

⁶ Gherardi, M. (2004). The European Parliament as a legislator: a historical survey. *Project no. CIT1-CT-2004-506392. NEWGOV New Modes of Governance*, 29. <http://www.eu-newgov.org/database/DELIV/D02D30_The_EP_as_Legislator.pdf>.

⁷ Krauss, S. (2000). The European Parliament in EU External Relations: The Customs Union with Turkey. *European Foreign Affairs Review*, 5, 215–237.

Israel¹ and Russia cases contributed to the image of Parliament as the “guardian of the European values”. Together with the increase of formal assent rights it created leverage for the Parliament to participate in the negotiation process, although formally it never obtained this right.

Third, the development of the Parliament’s international competences after Maastricht took place on two levels: “primary law” codifying previous successful practices², and inter-institutional dialogue, which gained additional importance after Maastricht due to frame-work character of the founding treaties and covered classical parliamentary triad of competences: legislative, budgetary and external relations. Those were inter-institutional agreements that officially introduced the Parliament to the CFSP, as well as offered MEPs a seat in the negotiation room.

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3. *Cannes European Council Presidency Conclusions*, 26-27 June 1995, Press: Nr: 00211/95. <<http://ue.eu.int/en/Info/eurocouncil/index.htm>>.
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