13 Making the Most of Maastricht

As with the Single Act, much of the true impact of the Treaty on European Union would depend on its implementation and on how the institutions would be able to make the most of the new possibilities afforded. From an integration perspective, the single most important issue will be the process of Economic and Monetary Union. However, a number of other aspects were important, not least for the European Parliament.

A NEW GENERATION OF INTERINSTITUTIONAL AGREEMENTS

The Maastricht Treaty provided for the European Parliament to adopt the regulation governing the duties of the Ombudsman, with the approval of Council acting by a qualified majority. It also specified that the rights of parliamentary committees of inquiry shall be determined by common accord of the Parliament, the Council and the Commission. In both these areas, the EP therefore adopted a set of proposals to discuss with the other institutions in interinstitutional conferences. Parliament also called for interinstitutional conferences to discuss other matters such as the application of the co-decision procedure.

A single interinstitutional conference began at the end of 1992 to seek an agreement on all these issues. It brought together 12 ministers on the Council’s side, 12 MEPs on Parliament’s side, and members of the Commission, modelled on the interinstitutional conferences that prepared, and later accompanied, the 1990–1 Intergovernmental Conferences. Council wished to raise the issue of subsidiarity, to which Parliament agreed on condition that it was accompanied by discussions on democracy and transparency in EU decision-taking. With the help of the Belgian Presidency in the second half of the year, Council also came round to accepting the benefits of an agreement on the operation of the conciliation committee.

Negotiations were difficult, and finished somewhat later than originally expected (the Danish Presidency of the Council having hoped to

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finish it during their term of office). In the event, an agreement was reached on 25 October comprising the following elements.

**Interinstitutional Declaration on Democracy, Transparency and Subsidiarity**

Here, Parliament had been seeking an undertaking by Council always to meet in public when adopting or voting on Community legislation. It also sought to bring Council into legislative planning. However, not a great deal emerged in this part of the interinstitutional agreement. Parliament extracted an undertaking that the three institutions would respect ‘the democratic principles on which the systems of government of the Member States are based’ and reaffirming ‘their attachment to the implementation of transparency’. A set of measures taken by the three institutions to increase transparency was listed in the declaration. On Council’s side this included the opening of some debates to the public, publishing records and explanations of voting, and providing greater access to its documents. On the Commission’s side this included greater use of Green and White Papers before pressing presenting proposals, wider pre-consultations with interested parties, better access of the public to data bases, documents, etc. The declaration also drew Council for the first time into the discussions on the annual legislative programme, hitherto a bilateral matter between the Commission and the Parliament. The Council committed itself to indicating which parts of the programme it considered to be a priority, thereby offering a way to national parliaments to exert greater influence over their governments in shaping the Community agenda.

Parliament considered that the text on democracy and transparency represented ‘merely a minimum first step towards a fully democratic and transparent European Union which the citizens demand’ and reiterated its view that ‘the adoption of all legislative texts by a public vote is a *sine qua non* of democracy and transparency’. It recorded this view in a unilateral declaration annexed to the agreement.

Council subsequently changed its Rules of Procedure (see below) to provide that voting records would be published systematically (instead of on request of a Member State, which was as far as Council had been willing to go before the interinstitutional meeting).

On 20 December, the Commission and the Council agreed on a Code of Conduct for public access to their documents, laying down a set of criteria and procedures.²