

SLOVAK REPUBLIC

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The European and National Parliaments

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1. Materially-Constitutional Regulation of the Parliament's Participation in EU Legislation

1.1 Does the constitutional regulation impact directly or indirectly on the relations between the European parliament and the national parliament?

There is no direct constitutional regulation concerning the relations between the European parliament and the National Council of the Slovak Republic, thus there is no direct impact.

The Rules of procedure of the National Council of the Slovak Republic (Act. Nr. 350/1996 Collections of Laws) do regulate the attendance of the Members of the European parliament in the meetings of the Committee on European Affairs. Members of the European parliament elected in the territory of the Slovak republic under special law (Act Nr. 331/2003 on Elections to the European parliament as amended) may participate in a meeting of the Committee on European Affairs and may speak on the discussed matter, but they have no right to vote in this committee.

1.2 Did the decisions of the Constitutional Court or the Supreme Court concerning membership touch the problem of relations between the European parliament and the national parliament?

No. There hasn't been such a decision.

1.3 What is the statutory regulation of the relation between the European parliament and the national parliament?

There is just above mentioned § 58a of the Rules of procedure of the National Council of the Slovak Republic, which regulates the participation of the Members of European parliament elected in the territory of the Slovak Republic in a meeting of the Committee on European Affairs.

1.4 Is there a by-law regulation of the parliament concerning its functions in respect of the European affairs?

Yes, the by-law is called "Revised mechanism of creation of positions to the proposals of the acts approved by the Council of the EU in the conditions of Slovak republic".

1.5 How did the statutory regulation evolve and how substantive was the impact of changes on the activity and efficiency of the parliament?

There was almost no impact of the statutory regulation on the activity and efficiency of the parliament. This statutory regulation just took into account the existing practice of the National Council of the Slovak Republic, mostly in sense of cooperation of regular committees and the Committee on European Affairs.

1.6 How structured is the organization of the national parliament in the scope of European affairs (e.g. is there a 'European Committee', is the European Affairs Committee's composition regulated and how &c.)?

The Committee on European Affairs is composed of 10 regular members and 10 substitute members. The National Council of the Slovak Republic elects the chairman and the members of the Committee on European Affairs on the basis of proportional representation of political parties and movements, the members of which hold parliamentary seats in the respective electoral term.

1.7 What are the mechanisms of cooperation between the 'European committee' and the regular committees of the parliament in cases of overlap of the subject of prospective legislation?

The Committee on European Affairs can request other committees of the National Council of the Slovak Republic to submit their suggested opinions to drafts of legally binding acts of the European Communities and European Union, which are to be discussed by the representatives of the governments of member states of the European Union, or to submit their position to the draft opinion of the Slovak Republic on the drafts of legally binding acts of the European Communities and the European Union.

1.8 In cases of a bicameral parliament – what is the division of competences in European affairs between both chambers; what are the procedures of coordination; who has the 'last word'; is there any consensus-reaching mechanism?

Slovak Republic has an unicameral parliament.

1.9 Are there any regulations concerning specific procedures or *modus operandi* depending on the area (e.g. the question of the principles of subsidiarity and proportionality, or the issues of vetoing the European Council's initiatives to authorise the so-called 'simplified revision procedure' or proposals for the amendment of the Treaty)?

No.

2. The Document- and Procedure-Based Model and Practice of Parliamentary Scrutiny.

2.1 Would the overall system in place in your country correspond to the document-based or the procedure-based model of scrutiny of EU lawmaking and governments' position?

It is a mixture of both models. All EU documents are scrutinised with special attention put on the selected priority issues. Ministers shall appear in the Committee on European Affairs in order to let the draft of the position of the Slovak Republic be approved by members of this committee, before attending the Council meeting.

2.2 Are the scrutiny procedures sector- or policy-specific (e.g. depending on area or voting method)?

It is not distinguished.

2.3 Is the scrutiny formalized by the possibility of 'mandating the government' or of announcing a 'scrutiny reserve'? How is the government's conduct in relation to the instruments of parliamentary scrutiny sanctioned in law and practice?

According to the constitutional law No. 397/2004 Coll. on cooperation between the National Council of the Slovak Republic and the Government of the Slovak Republic in the affairs concerning the European Union, the National Council of the Slovak Republic (the Committee on European Affairs) may approve the position of the Slovak Republic concerning the drafts of legally binding acts and other acts of the European Communities and the European Union to be decided upon by representatives of the Governments of member states of the European Union. If the parliament (committee) approves a draft of the position, it shall be binding for a minister. He/she may divert from the position of the Slovak Republic only in an unavoidable instance and with due consideration for the interest of the Slovak Republic. In such case the minister shall without delay inform the National Council of his/her action and explain the reasons for it. The minister may ask the National Council to alter the position of the Slovak Republic. Sanctions are purely of political nature.

2.4 Is there any substantial difference between parliamentary scrutiny over the European and domestic issues?

Yes, different procedures apply (defined in the Rules of Procedure of the National Council of the Slovak Republic).

2.5 Does and should the constitutional sensitiveness of Justice and Home Affairs Policy lead to an increased activity of the parliament in this area?

The parliamentary scrutiny activity in this area is so far comparable with the scrutiny of other areas of EC/EU law, but it can be enhanced in the future.

2.6 Have there been any proposals to reform parliamentary scrutiny in your country? What are the grounds (reasons) of such proposals? Which are the directions of the proposals? Who presented the proposal – parliamentary committees, the government, the public, legal or political scientists, &c?

Regarding the new provisions in the Lisbon Treaty, the domestic scrutiny procedure shall be extended by the provisions regarding the bringing of the action on grounds of infringement of the principle of subsidiarity by a legislative act to the Court of Justice of the European Union. The proposals to accordingly change the Constitutional act on cooperation between the National Council of the Slovak Republic and the Government of the Slovak Republic in the affairs concerning the European Union and the Rules of Procedures of the National Council of the Slovak Republic was presented by the Committee on European Affairs.

2.7 What are the specific measures adopted by the national parliament to meet requirements concerning efficiency of the scrutiny?

There does not exist concrete measures, but some practices evolved and introduced by the Committee on European Affairs itself apply. E.g. prioritisation of scrutiny areas according to the Legislative and Work Programme of the European Commission, priorities of respective Presidencies of the EU, priorities settled by the government, ministries and parliament; division of responsibilities among the individual members of the Committee on European Affairs, establishment of separate Department on EU Affairs (extended secretariat of the Committee on EU Affairs) etc.

2.8 How can the practical effects of parliamentary scrutiny be assessed? What criteria should apply in such assessment? What lessons – if any – can be drawn from such assessment?

The practical effects of the parliamentary scrutiny can be assessed through a consistent and well-founded position presented by the representatives of the Slovak Republic in the EU institutions and subsequently the better involvement of MPs into the EU decision making procedures, which enables them to know better the contents and background of legislation aimed at subsequent implementation and approximation of domestic legislation with EC/EU law, since they have already been involved in the process of its creation through the scrutiny procedure.

2.9 Are there any mechanism of checking the effectiveness of the scrutiny within in the national parliament? Is there any formal regulation in this respect (by-law of the parliament; regulations of the European committee, &c.)? What would be the criteria that could apply to checking the effectiveness of scrutiny?

There does not exist any formal regulation of checking the effectiveness of the scrutiny. The criteria could be as mentioned above (see answer 2.8)

3. The Government-Parliament Informational Asymmetry

3.1 What were the deficiencies of the mechanism of submitting the Commission's legislative proposals to the parliament by the government in your country?

Irregularity, lateness, not clearly defined bodies responsible for submission of the documents.

3.2 Based on the regulation that legislative initiatives should be sent directly to national parliament, how effective is the mechanism of requiring the government to submit additional information deemed essential to take a proper decision or issue an opinion by the parliament and its bodies?

The mechanism and responsibility of government to submit subsequent information is regulated by law, but the deadlines settled therein are often not met (arguments of lacking the adequate time frame for preparation of relevant in-depth analysis of the legislative initiative, or lack of documents – e.g. programmes, items on the agenda of the Council meetings).

3.3 How and to what extent is the government obliged to explain the detail of a legislative initiative both for the country and for European integration? Are

there any criteria applicable to such explanations? Is there any mechanism to force the government to present more detailed information and explanation?

According to the Rules of Procedures of the National Council of the Slovak Republic, the Government shall, no later than three weeks after having received the draft of a legally binding act, submit to the Committee on European Affairs a preliminary opinion on that draft. The preliminary opinion shall contain, in particular, a brief information on the content and objectives of the draft, the type and time schedule of the decision-making procedure in the European Communities and European Union, on the compliance of the draft with the principle of subsidiarity and an evaluation of the impact of the draft on the Slovak Republic with respect to political, legislative, economic, social and environmental aspects.

According to the constitutional act on cooperation between the National Council of the Slovak Republic and the Government of the Slovak Republic in the affairs concerning the European Union the Government shall sufficiently in advance submit to the National Council (Committee on European Affairs) a draft of the position of the Slovak Republic on the legislative initiatives together with an assessment of their impact on the Slovak Republic (two weeks before the minister attends the Council meeting).

3.4 Is there a formal hearing of the ministers before the Council's meetings?
Yes.

3.5 In case of 'instructions' for the ministers on voting in the Council, what are and what were the criteria of this kind of decision of the parliament or its committees?

The instruction is in a form of approval/disapproval/amendment of the draft of the position of the Slovak Republic, which is adopted by a resolution of the Committee on European Affairs.

3.6 Do parliamentarians have access to relevant administrative research, diplomatic services' information, or other relevant policy-making props?

Yes, through the supporting Department on European Affairs and its staff, who are in close relations and cooperation with the executive staff and have access to different databases and sources of information.

3.7 What kind of timing and management mechanism and instruments are to be implemented to avoid the risk of EU documents overflow?

We have access to the information database of the Council of EU (extranet of the Council documents). Therefore it is not necessary to receive each document through e.g. e-mail.

3.8 What are the requisites for the parliament to be able to perform the new tasks effectively, e.g.:

- human and material resources (including access to communication, &c.);

In 2003 the Department for European Affairs has been established as the extended secretariat of the Committee on European Affairs, which currently employs 9 people.

- improvement of the dialog between the national parliament and the national government;

First of all, it is necessary to have a good legislative background for mutual cooperation. Furthermore, we communicate intensively with all relevant bodies, the staff of the Department for European Affairs personally attends all meetings in the ministries concerning EU agenda or at least receives all relevant documentation via e-mail.

- new procedures that would allow for influencing the content of the European legislation and policy at an early stage;

Yes, enhanced EU scrutiny procedure is especially important.

- extensive use of information-flow as a basic instrument of influence on legislation and policy-making?

This aspect is also very important.

3.9 What consequences will the changes adopted in the Lisbon Treaty have on the organization of parliamentary scrutiny in your country?

As mentioned above, we have to implement those provisions which enable member states to bring an action on grounds of infringement of the principle of subsidiarity by a legislative act to the Court of Justice of the European Union. Due to mandating scrutiny system it is not necessary to implement other provisions of the Lisbon Treaty aimed at strengthening the role of the national parliaments.

4. Democratic Legitimacy of European Governance

4.1 Does the new role of the national parliaments increase the democratic legitimacy of the European Union? What kind of criteria might be useful to assess the quality of those changes?

Yes. See answer to 2.8.

4.2 Are there in your parliament any proposals to change procedures of cooperation with other parliaments in order to meet the requirements of the Lisbon Treaty?

No but current forms of cooperation (especially V4) shall continue. New forms of electronic exchange of information (IPEX) shall also contribute to better application of the relevant provisions of the Lisbon Treaty aimed at eliminating the democratic deficit.

4.3 How far may the requirements of the Lisbon Treaty concerning relations between the European parliament and the national parliament influence the mechanism of parliamentary (political) accountability and control of the government?

Political accountability and control of the government is entirely internal domestic issues regulated by national legislation, which should not be influenced by the new scope of relations between the European parliament and the national parliament.

4.4 Does the new role of the national parliaments increase the efficiency of the process of enhanced integration in the European Union?

Yes.

5. Democratic Legitimacy of National Governance

5.1 May the new role of national parliaments increase the level of scrutiny of national governments (*viz.* lead to strengthening, as a side effect, the overall parliamentary control over the government)?

Yes.

5.2 Does the new role of national parliaments increase the standing of the parliamentary opposition as an element of the democratic participation in the

legislative activity on national and European level? Are there any specific regulations in the parliament's by-laws concerning enhanced participation of the political opposition in European Committees and the like?

Yes. There are not specific regulations concerning the participation of parliamentary opposition in the Committee on European Affairs. The chair and the members of the Committee are elected by the National Council of the Slovak Republic on the basis of proportional representation of political parties and movements which hold parliamentary seats in the respective electoral term.

5.3 Is there any special regulation concerning access to government information in the field of the Common Foreign and Security Policy and in the field of Police and Judicial Co-operation in Criminal Matters?

No.

5.4 Are there any suggestions in your country concerning improvements to be made in the democratic scrutiny and control (e.g. publicity of the European Committee's proceedings; the possibility of the Committee to give instructions to the government to bring proceedings before the Court of Justice on subsidiarity or proportionality grounds; possibilities of direct discussion between the committee members and members of the European Commission &c.)?

Very recently the Committee on European Affairs started to hold press conferences after each committee session. All sessions are public, unless decided otherwise by the Committee. The draft amendment of the Constitutional Act on cooperation between the National Council of the Slovak Republic and the Government of the Slovak Republic in the affairs concerning the European Union and Rules of Procedures of the National Council of the Slovak Republic shall introduce a new mechanism concerning the bringing proceedings before the Court of Justice of the European Union. The National Council always discusses Legislative and Work Programme of the European Commission in the beginning of the year in the plenary with the presence of the Slovak Commissioner.

6. The Lisbon Treaty and the Protocols

6.1 What is the meaning and function of the new Article 7(3) of the Protocol on the Application of the Principles of Subsidiarity and Proportionality? Are the obligations cumulative or alternative with those arising under Article 7(2) (the Protocol's "furthermore")?

We are of the opinion that further interpretation of these articles is needed.

6.2 What is your opinion on ‘the power to block legislation’ (Article 7(3) (b) of the Protocol)? Will the role of the national parliament be enhanced or will it be of a rather symbolic character (*i.e.* the adoption of proposed legislation will not be effectively stopped)?

It is not possible to predict now the attitude of the EU institutions towards the reasoned opinions received from the national parliaments. There is indeed a real potential to influence the EU legislation by the national parliaments. It will however depend on the approach of these institutions how will the instrument work in practice.

6.3 Are there any new changes to the mechanism of activity of the national parliament proposed or under way as a response to the regulations of the Lisbon Treaty?

Yes, see answer to 2.6.

6.4 Is there any legislative initiative concerning the new role of the national parliament under the Lisbon Treaty? What is the substance of such proposals?

Yes, see answer to 2.6.

6.5 Concerning subsidiarity control:
a/are there specific rules of procedure?

yes

b/ are there portfolio arrangements?

yes

c/ are there agreements between the government and the parliament?

yes

6.6 What kind of area-specific criteria may be applied to control of subsidiarity?

Different criteria may be applied for common foreign and security policy and justice and home affairs issue.

7. The National Parliaments' Involvement and the Construction of a European Polity.

7.1 Did the Lisbon Treaty raise awareness of the magnitude of the fundamental issues of the European integration to be discussed and solved in the years to come?

Yes, at least in terms of the parliament – have arisen questions of the needed changes of functioning of the parliament and its organisational parts, the need to amend the Rules of Procedure of the National Council of the Slovak republic and so on.

7.2 What are the European policy issues under discussion within the national parliament? Is the national parliament ready to become a substantial actor in the European policy making that also includes the strategy of integration?

On regular basis - in October of every year is submitted the Legislative and Work Programme of the European Commission, which is discussed in the plenary. The Committee on European Affairs discusses European policy issues on ad hoc basis and on regular basis proposed EU legislation. Standing committees are also partially involved into these processes. The National Council of the Slovak Republic is therefore ready to become more important factor in European policy making.

7.3 Are there any special regulations or proposals of regulations concerning participation of representatives of NGOs, trade unions or organizations of employers in the activity of e.g. the European Committee of the parliament?

No.

7.4 Are there any proposals to include voices and opinions of interested groups of society before e.g. the European Committee of the parliament so as to enhance the level of democratic legitimacy by annexing concerns thus voiced to the parliament's final statement on the European matters?

No. There is no formal mechanism how to involve interested groups of society into course of events of the Committee on European Affairs. But, the sessions of the committee are public, they have the right to attend the sessions of this

committee and with the consent of the committee members they can present their opinions on discussed issues.

7.5 To what extent may the new mechanism of involvement of the national parliaments into European affairs have impact on hitherto prevailing understanding of domestic and European politics?

The course of events at the level of the European Union is sometimes very far from the attention of ordinary citizens and national media, which are more focused on the domestic politics. Therefore thanks to strengthened formal involvement of national parliaments into the European policy making the attention of voters and media can be gradually transferred to European players (Commission, Parliament...).

[7.6 Is there any detectable evolution in the practices of implicating Members of the European Parliament in national parliamentary work or in the political parties' personnel policy concerning European and national elections?]

There is party cooperation between the political parties and members of the European parliament. From the formal point of view, the Members of the European parliament elected in the territory of the Slovak republic under special law (Act Nr. 331/2003 on Elections to the European parliament as amended) may participate in a meeting of the Committee on the European Affairs and may speak on the discussed matter, but they have no right to vote in this committee.

8. The National Parliament under the Lisbon Treaty and Beyond

8.1 Considering that legislation in the field of Justice and Home Affairs comes to be an ever more vital aspect of the development of European integration, are there any concepts or proposals for a more intense influence of the national parliament on these matters?

Not yet introduced.

8.2 What kind of conditions should be met to make national parliaments more influential in setting the agenda of the European Union?

Not only legislative anchoring of the new competencies of the national parliaments, but also a real application and execution of these powers by individual parliaments and the respect by the national governments as well as the institutions of the EU themselves.

8.3 Is there any discussion concerning the possibility of the model of parliament evolving from one of a rather reactive towards a more policy-formulating body?

No.