



Brief paper

Role of Parliament on the Way to EU Membership: Experience of Candidate Members and Current Members of the EU

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Contents

Introduction	4
Albania	4
Bosnia and Herzegovina	5
North Macedonia	6
Moldova	7
Estonia	7
Cyprus	8
Latvia	10
Romania	12
Croatia	13
Czech Republic	16
Hungary	17
Lithuania	18
Slovakia	19
Slovenia	20
France	21

Introduction

Last year, Ukraine acquired the status of a candidate for accession to the European Union. Thus, our state faces the ambitious task of adopting a series of legislative acts to bring the national legal system closer to the EU *acquis*. Verkhovna Rada Resolution 2483-IX “On Some Measures to Fulfill Ukraine’s Obligations in the Field of European Integration” (dated July 29, 2022) introduced certain procedural specifics of consideration of European integration draft laws.

However, in order to build an effective and sustainable procedure for consideration of such draft laws based on a broad political consensus, it is necessary to study the legislation and experience of other states – candidates and potential candidates for EU membership.

In connection with the above, this paper contains a description of the experience of European states – those that are candidates (potential candidates) for EU membership as well as those that are already EU members (in the historical context, while they were on the way to accession to the Union; and/or analysis of the current legislation regulating consideration in parliament of initiatives related to *acquis communautaire* issues). In particular, the **experience of the following states** was analyzed:

- Candidates (potential candidates) for EU membership: Albania, Bosnia and Herzegovina, North Macedonia, Moldova;
- Current EU members – Estonia, Cyprus, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, Croatia, Czech Republic, Hungary, France.

Albania

Neither the Constitution nor the Rules of Procedure prescribe the procedure for consideration of European integration bills. However, the Rules of Procedure contain a separate section providing for parliamentary control over the process of European integration.¹

In particular, Albania has a National Plan for European Integration. At the beginning of each year, the Assembly considers a detailed report of the Council of Ministers on the integration process in accordance with the National Plan for European Integration (Article 103 of the Rules of Procedure). The Commission on European Integration and other Commissions, in accordance with their immediate areas of responsibility, may call on legally established independent institutions and agencies (reporting and providing information to the Assembly) to report and provide information on European integration issues. Deputy commissions, in accordance with their area of responsibility, draw up a special calendar of independent institutions’ hearings in terms of monitoring the EU integration process (Article 103 of the Rules of Procedure).

¹ The structure was created by Law No. 15/2015 dated March 5, 2015 “On the Role of the Assembly in the Process of European Integration of the Republic of Albania in the EU”; the original title is Këshilli Kombëtar i Integritimit Evropian, <https://www.parlament.al/struktura/cb7c3a17-5b45-42db-9d58-a866b432345a>

Moreover, the Rules of Procedure provide for the manner in which parliamentary oversight of the Government's activities is to be performed. In particular, the Committees have the right to summon ministers at any time for providing explanations on matters within their area of responsibility or on the implementation of laws, decisions, resolutions and statements adopted by the Parliament. At the request of the Committees, the heads of state institutions provide explanations and information on issues related to their activities as well as on issues of implementation of recommendations of independent institutions addressed to them (Article 102 of the Rules of Procedure). At the beginning of each plenary meeting, at least 45 minutes are allocated for questions to the Government. A member of the Council of Ministers is required to answer questions at the beginning of each plenary meeting. Once a week, the Prime Minister is required to answer questions for a 30-minute period (Article 92 of the Rules of Procedure).

Within the Parliament, there operates the National Council for European Integration. It is the highest national advisory structure on European integration issues, which promotes transparency in decision-making on integration issues and comprehensive cooperation between political forces, state institutions and civil society.

Bosnia and Herzegovina

In accordance with the Rules of Procedure of the House of Representatives (Article 105) and the Rules of Procedure of the House of Peoples (Article 95) of the Parliamentary Assembly of Bosnia and Herzegovina, a draft law designed to harmonize national legislation with that of the European Union is submitted and considered under the relevant Articles of the Rules of Procedure by the House of Representatives – Articles 134 and 135, and by the House of Peoples – Articles 125 and 126.

The Rules of Procedure of both Houses contain the Section "Laws Bearing the 'EU' Mark" in which the following provision is entrenched: if a House has received a draft law designated by the Council of Ministers of Bosnia and Herzegovina as relating to integration into the European Union, the Collegium of the House refers it for consideration under the summary legislative procedure. If amendments are made to such a draft law, after the expiry of the deadline for proposing amendments the head of the lead Committee submits the document to the Directorate for European Integration² with the request to verify compliance of the amendments with the legislation of the European Union.

² The Directorate for European Integration is a permanent, independent and expert body of the Council of Ministers of Bosnia and Herzegovina; it is responsible for coordination of the processes and activities of institutions involved in the integration of Bosnia and Herzegovina into the European Union. The duties of the Directorate relate to the fulfillment of integration obligations, harmonization of legislation with the *acquis*, EU financial assistance to BiH, translation of regulatory acts and other documents, as well as communication and training in this area for various target groups with the aim of institutional, professional and technical support to BiH in EU integration. <https://www.dei.gov.ba/bs/o-nama-71>

The summary procedure used for considering European integration bills is defined in Article 132 of the Rules of Procedure of the House of Representatives and Article 123 of the Rules of Procedure of the House of Peoples; it consists in the following:

- when introducing a draft law, its initiator may request that it be considered under the summary procedure. In such case, the applicant must explain in writing the reasons justifying the shortening of the procedure;
- the proposed motion is considered by the Collegium of the House and a decision is made at the **next meeting**;
- if the Collegium of the House agrees to consider the proposed law under the summary procedure, all the timeframes of the ordinary legislative procedure are reduced by **half**;
- when considering a draft law under the summary procedure, **the Collegium of the House may additionally limit the length of the discussion** as well as **the number of times an MP may speak in the debate**.

If the Collegium of the House dismisses the request for the summary procedure, the draft law is considered in accordance with the provisions governing the ordinary legislative procedure.

North Macedonia

The Rules of Procedure of the Assembly of the Republic of North Macedonia (below in this section, the Rules of Procedure)³ contain a separate Section 10-a “Consideration at the Meeting of a Working Body of a Draft Law within the Competence of the Main Working Body on Finance and Budget, a Draft Law within the Competence of the Main Working Body on Economic Issues, and a Draft Law Providing for Harmonization with the European Union Acquis.”

In accordance with that Section, the general consideration of a draft law focusing on harmonization with the European Union acquis which lies within the competence of the main working body⁴ and in the Committee on Legislation and Law may last no more than three working days. The timeframes are established for providing explanations and for participants’ statements on the proposed law.

³ ДЕЛОВНИК НА СОБРАНИЕТО НА РЕПУБЛИКА МАКЕДОНИЈА <https://www.sobranie.mk/delovnik-na-sobranieto-na-republika-makedonija-precisten-tekst.nsp>

⁴ It is a certain analogue of the lead Committee in the Verkhovna Rada of Ukraine. The Assembly creates permanent and temporary working bodies. The working bodies consider proposals for draft laws and other draft acts adopted by the Assembly as well as other issues within the competence of the Assembly and perform other tasks specified by these Rules of Procedure. (Article 117 of the Rules of Procedure.) Permanent working bodies are established by decision of the Assembly. The members and their number are specified by the decision on the establishment of working bodies and investigative commissions. (Article 118 of the Rules of Procedure.) A working body works in sessions. (Article 120 of the Rules of Procedure.) Based on Article 147 of the Rules of Procedure, the main working body for a certain draft law is the one that initiated its creation/submission for public discussion.

In the second reading, such a draft law is also considered for no more than three working days. The timeframe is established for participants' statements on the proposed law.

Moreover, a decision may be adopted to consider such a draft law under the summary or urgent procedure, which reduces the length of consideration of the bill to no more than two working days.

Moldova

Draft normative legal acts (NLAs) contributing to harmonization of legislation bear the special 'UE' designation. Moldova's Law on Legislative Drafting Activity explicitly stipulates that draft NLAs must comply with the provisions of the EU legislation.⁵ Such draft laws are appended with a Table of Compliance of the draft with the corresponding act of the EU acquis.

All draft laws are examined for compliance with the EU acquis. The examination is carried out by the Center for Harmonization of Legislation; the Regulations on its activities are approved by the Government.⁶ The examination for compatibility with the European Union legislation is carried out in the manner approved by the Government and in accordance with the methodology approved by the Center for Harmonization of Legislation. Based on the results of the compatibility examination, the Center for Harmonization of Legislation prepares a relevant declaration. After that, the opinion in the declaration is included in the supporting documents, and if necessary, the draft is adjusted in line with the recommendations of the Center.

Estonia

Creation of the Committee on European Affairs²

As to the plenary meetings of the Riigikogu, the most important parliamentary body in the process of accession to the EU was the Riigikogu Committee on European Affairs (below, the CEA or the Committee). It was established in January 1997 by way of amending the Law on the Rules of Procedure of the Riigikogu. The name of the Committee was changed after Estonia's accession to the EU in May 2004. Since 2004, the Committee has been called the Committee on European Union Affairs.

The main task of the CEA was to contribute to the achievement of the goals of the European Agreement at the parliamentary level. On the one hand, this meant cooperation with the Estonian Government: parliamentary oversight of the executive branch included discussion of the Government's positions. On the other

⁵ https://base.spinform.ru/show_doc.fwx?rgn=103704

⁶ https://www.legis.md/UserFiles/Image/RU/Guvern/2018/regulament%20HG%20Nr.%201171%20din%2028.11.2018_ru.docx

⁷ This section presents the Reply of the Legal and Research Department of the Riigikogu Chancellery to Inquiry No.4682 to the European Center for Parliamentary Research and Documentation (ECPRD), dated March 29, 2021. URL:

<https://drive.google.com/drive/folders/1cAIXyJgZkvllf8RGGsqMuAtGTfXbWeSC>

hand, the CEA had to establish contacts with the European Parliament (EP) and represent the Riigikogu in the Joint Parliamentary Committee.

The CEA was also authorized to maintain contacts with other EU institutions. Furthermore, the CEA also informed the Riigikogu about its activities; the Parliament and the public in general, about the process of European integration. The CEA heard reports by members of the Government, high-ranking officials and experts on progress in the process of European integration and provided recommendations to the Government on issues related to its work in the European Union and the Association Council. CEA members organized regular meetings with representatives of local authorities within the framework of a program to inform society about EU accession developments.

*The role of the CEA in negotiations on accession to the EU*⁸

The start of the negotiations on accession to the EU also led to changes in the CEA's tasks and operation.

On January 19, 1998, the CEA presented to the Prime Minister its proposals for cooperation with the Government. The CEA's proposal included the following points:

1. The negotiation strategy will be presented by the Government to the CEA for discussion and possible comments.
2. The negotiation strategy will be discussed in the Riigikogu.
3. Regular meetings of the CEA and the Prime Minister will be held to discuss the main positions at the negotiations. If necessary, relevant ministers and experts will attend these meetings.
4. The Government will regularly inform the CEA about the progress and problems of the negotiation process.
5. The Government will provide the CEA with all important materials and documents related to European integration, in written form.

The Government largely took these proposals into account. During the screening procedure, the CEA regularly met with representatives of the Government's working groups as well as with representatives of stakeholders and nongovernmental organizations. It was considered important to communicate the position of the Riigikogu to these working groups. It was no less important to hear the opinions of the interested groups and social partners, so as to anticipate possible problems and find solutions to them in a timely manner.

Cyprus

The Government of the Republic of Cyprus concluded an Association Agreement with the European Economic Community on December 19, 1972; it entered into force on June 1, 1973.⁹

⁸ Reply of the Legal and Research Department of the Riigikogu Chancellery to Inquiry No. 4682 to the European Center for Parliamentary Research and Documentation (ECPRD), dated March 29, 2021. URL: <https://drive.google.com/drive/folders/1cAIXyJgZkvlf8RGGsqMuAtGTfXbWeSC>

⁹ <https://cyprusinuk.com/cyprus-and-the-eu/>

The first phase of the accession negotiations began on April 3, 1998 (it was completed in 2000) and included an analytical examination of the *acquis communautaire*, a process known as *acquis screening*. This process was designed to identify the areas where the necessary changes have to be made to Cyprus legislation to bring it into line with EU legislation.¹⁰

In accordance with the February 25, 1999 recommendations of the Parliamentary Committee of Selection,¹¹ the then Parliamentary Committee on Foreign Affairs was renamed to Parliamentary Committee on Foreign and European Affairs. As a result, the competence and number of members of the Committee were expanded. It became the Parliamentary Committee with the largest number of members (19).

On June 14, 2001, the Parliamentary Committee on Foreign and European Affairs was divided into two Committees, namely the Parliamentary Committee on Foreign Affairs and the Parliamentary Committee on European Affairs. The latter was tasked with monitoring the accession negotiations between the EU and Cyprus (the Government kept the Committee informed about the negotiations and Cyprus's general accession process by depositing all the relevant documents).

The Committee on European Affairs regularly invited the Coordinator of Harmonization,¹² who acted as a kind of mediator between the Parliament and the Government, as well as the Minister of Foreign Affairs and other Government officials. The Committee heard information on the negotiating positions of the Republic on the various chapters of the *acquis* as well as on the development of the negotiating process and the individual progress for each chapter. The Coordinator conveyed the position of the Committee on these issues to the Government.¹³

The Committee is solely responsible for examining draft laws or resolutions aimed at harmonizing national legislation with the *acquis communautaire*. To that end, the accelerated procedure was used, so that the deadlines for the adoption of the legislation established by the EU could be met. Under this conciliation procedure,

¹⁰ <https://cyprusinuk.com/cyprus-and-the-eu/>

¹¹ Article 73 of the Constitution of Cyprus: "There shall be a Committee to be known as the Committee of Selection consisting of the President of the House as Chairman, the Vice-President of the House as Vice-Chairman and eight other members elected by the House of Representatives at its meeting after the election of the President and the Vice-President of the House, six from amongst the Representatives elected by the Greek Community and two from amongst the Representatives elected by the Turkish Community... The Committee of Selection shall set up the Standing Committees and any other temporary, ad hoc or special Committee of the House of Representatives and shall appoint Representatives to be members thereof and in so doing due regard should be had to the proposals made by the Greek and the Turkish Communal groups or political party groups in the House for such setting up and appointments. The appointments to such Committees shall be subject to the provisions of the paragraph next following." URL: https://www.constituteproject.org/constitution/Cyprus_2013

¹² Head of the Negotiating Delegation for the Accession of Cyprus to the European Union.

¹³ Reply of the House of Representatives of Cyprus to the Inquiry of the Parliament of Montenegro to the European Center for Parliamentary Research and Documentation (ECPRD) dated October 11, 2010. URL:

<https://docs.google.com/document/d/1O5ha5l2Dbpr05SyOt3z5im8J76BjY0x9n4V0uZlIYWm/edit>

the Committee considered and referred 1,148 draft laws and normative legal acts to plenary meetings.¹⁴

After the accession of the Republic of Cyprus to the EU, the House of Representatives, like all the national parliaments of the Member States, faced the obligations arising from the said membership. In particular, as a result of Cyprus's accession to the EU, the role of the Committee was reformed and strengthened.

After the accession of Cyprus to the EU, the role of the Committee is aimed at monitoring and influencing the decision-making process in the EU. Based on the relevant provisions of the Treaty of Amsterdam, the House of Representatives required the executive to be constantly informed about documents coming from the EU. The executive branch was also asked to submit to the Parliament, in a timely manner, all legislative proposals of the European Commission as well as the agenda of meetings of the Council of Ministers.¹⁵

As to the obligations arising from the continuous adoption of new *acquis communautaire* at the EU level, a mechanism was established to register the monthly commitments of Cyprus to adopt Community Directives. It should be noted that, in principle, the adoption of any Directive at the EU level creates an obligation for the executive to submit implementing laws or regulations to the Parliament. The purpose of the Committee is to notify the executive in a timely manner of the obligations arising from the adoption of Community Directives, regardless of any other mechanisms created by the Government to monitor the said issues.¹⁶ Currently, a bill aimed at transposing an EU Directive into national law is being considered under the same procedure as for any other draft law.

Latvia

Latvia's path to the European Union (EU) began back in the early 1990s; it required many institutional and legislative changes. Several state institutions were involved in the EU integration process. This required close cooperation from all parties engaged in the process.

Attention should be paid to two structural components of the Parliament of the Republic of Latvia which were directly involved in amending legislation in the process of integration into the EU: 1) Committee on European Affairs; 2) Information Center of the European Union at the Saeima.¹⁷

The Saeima's Committee on European Affairs

The Saeima's Committee on European Affairs was created on November 16, 1995, with the aim of harmonizing national legislation with EU legislation. Since 2001, it has represented the Saeima in EU affairs; and since 2004, it has been responsible for considering and approving the national position on the EU.

¹⁴ Ibidem.

¹⁵ Ibidem.

¹⁶ Ibidem.

¹⁷ Here and elsewhere in this section: Reply of the Analytical Service of the Saeima of Latvia to Inquiry No. 4682 to the European Center for Parliamentary Research and Documentation (ECPRD) dated March 29, 2021.

Since 2011, in accordance with the Rules of Procedure of the Saeima, the Minister of Foreign Affairs has been required to submit to the Saeima a report on achievements and plans in the field of foreign policy, in particular presenting in that report information on EU-related achievements. National negotiating positions have always been discussed in the Committee.

At the end of the 20th century and the beginning of the 21st century, various sorts of politicians were elected to the Saeima and it was very easy to adopt populist decisions. At that time, it was important that Latvia be invited to the EU accession negotiations. That was why direct and indirect veto right was granted to the Committee. Changes were also made to the Rules of Procedure of the Saeima, necessitating the approval by the Committee of the national positions to be later adopted by Government ministers in Brussels to safeguard accession to the EU.

In parallel, the Committee communicated with the Government, asking it to intervene if necessary. From time to time, the Committee organized educational lessons for specialized Committees of the Saeima, organized seminars in Latvia with the participation of international experts, or, where appropriate, arranged trips to Brussels for representatives of specialized Committees, so that the MPs would obtain sufficient information and knowledge.

Information Center of the European Union at the Saeima

The Information Center of the European Union at the Saeima was inaugurated in 1997. The most important task of the Information Center was to provide the MPs with information and present the necessary documents and weekly summaries of the most important events in its information bulletin released on Thursdays.

The key task of the Center was to provide information not only to the MPs but also to the employees of the Saeima, because MPs came and went while the employees were there to stay. The knowledge invested in the staff was also used in subsequent parliamentary convocations.

Later, the Information Center became accessible to the public. The transition to the “open door” principle took place in several stages. At the beginning, the Center worked with journalists. The employees prepared answers to any questions about the European Union that were of interest to media representatives. The answers were prepared as quickly as possible – within two days.

Later, the Information Center became accessible to everyone. Those interested were mostly students, teachers and other stakeholder groups. The Center’s work was especially intensified on the eve of the referendum on accession to the EU, as it believed it was important to inform the public as much as possible and provide all the necessary information.

Romania

The main role in the European integration processes was played by the Committee on European Integration.¹⁸ This Committee was in direct contact with EU bodies and COSAC,¹⁹ participated in accession negotiations and accelerated the approximation of Romanian legislation to EU requirements and standards.

Moreover, within the framework of its normal oversight powers, the Parliament monitored the Government's activities related to European integration.

Parliamentary bodies in charge of European integration work²⁰

A Committee on European Integration was established in the Parliament of Romania. It was created by Resolution 8/1995 of the Parliament of Romania; in accordance with that Resolution, the Committee:

- implements the provisions of the Agreement on Romania's EU Integration as well as the National Strategy for Romania's Preparation for EU Accession;
- participates in the work of the joint Romanian-EU Parliamentary Committee on all issues of relations between the EU and Romania;
- initiates legislative changes regarding European integration.

According to Resolution 8/1995, the Committee reports annually to the Parliament and functions until Romania becomes an EU member.

Moreover, an EU Directorate was established in the Secretariat of the Parliament of Romania, its main functions being as follows:

- providing consultations on issues of interaction between the Government and the Parliament within the framework of European integration;
- publishing information on EU policies and legislation;
- maintaining databases of documents related to EU politicians and legislation;
- ensuring, in cooperation with the Directorate of External Relations, the participation of MPs and the Secretariat in the necessary international events;
- organizing trainings for the Parliament's employees on EU policies and legislation.

Checking compliance of draft laws with the EU acquis²¹

¹⁸ Reply of the House of Representatives of the Parliament of Romania to the Inquiry of the Parliament of Montenegro to the European Center for Parliamentary Research and Documentation (ECPRD) dated October 11, 2010.

¹⁹ Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union. Web-site: <https://ipexl.europarl.europa.eu/IPEXL-WEB/conferences/cosac/home>

²⁰ This section presents the Reply of the House of Representatives of the Parliament of Romania to the Inquiry of the Parliamentary Assembly (Skupstina) of Bosnia and Herzegovina to the European Center for Parliamentary Research and Documentation (ECPRD) dated March 3, 2021.

According to Romanian legislation, an explanatory note must be attached to each draft law, indicating whether the provisions of the draft law comply with the EU acquis (including the case law of the EU Court of Justice) and the international agreements. If the draft law is aimed at implementing an EU legal act or some of its provisions, then the explanatory note must specify in detail the norms of such legal act of the EU.

In addition, the explanatory notes to Government draft laws must contain an assessment of compliance with the EU acquis, which is to include a description of the provisions of the EU act, the level of compliance (full, partial, non-compliant) and other relevant comments.

Specifics of implementation of EU Directives into national legislation²²

Each year, the Ministry of Foreign Affairs submits annual plans for the implementation of EU Directives to the Government for approval. These plans contain various information on the actions of the Romanian authorities aimed at implementing a Directive, the implementation calendar, the types of regulatory acts to be amended, etc. Moreover, in accordance with the law, the Ministry of Foreign Affairs analyzes and approves draft legal acts aimed at implementing EU Directives into national legislation.

Croatia

The duties of the Croatian Parliament in the process of Croatia's accession to the European Union are related to legal and political control over the integration process.²³

Parliamentary control over the Government's activities was regulated by the Constitution of the Republic of Croatia and the Rules of Procedure of the Croatian Parliament, while the process of Croatia's accession to the European Union was regulated by other relevant documents, namely:

- Resolution on the Accession of the Republic of Croatia to the European Union (2002);
- Joint Statement of the Croatian Parliamentary Parties on the Start of Negotiations between the Republic of Croatia and the European Union (2004);
- Declaration on the Main Principles of Negotiations on the Full Membership of the Republic of Croatia in the European Union (2005);

²¹ This section presents the Reply of the House of Representatives of the Parliament of Romania to the Inquiry of the Parliament of Georgia to the European Center for Parliamentary Research and Documentation (ECPRD) dated January 31, 2018.

²² This section presents the Reply of the Senate of Romania to the Inquiry of the Parliament of Estonia to the European Center for Parliamentary Research and Documentation (ECPRD) dated May 19, 2020.

²³ Reply of the Head of the Secretariat of the Committee on European Affairs of the Croatian Sabor to Inquiry No. 4682 to the European Center for Parliamentary Research and Documentation (ECPRD) dated March 29, 2021. URL:

https://drive.google.com/drive/folders/1R_tDGZjGcfzKnUW0Gwkci5K0sE70s9kB

- Resolution on Strategic Guidelines for Negotiations between the Republic of Croatia and the European Union (2005);
- Statement of the Parliament and the Government of the Republic of Croatia on Joint Actions within the Framework of Negotiations on the Full Membership of the Republic of Croatia in the EU (2005).

Each year, the Sabor (Croatia's unicameral parliament) discussed the Government's annual program for Croatia's accession to the EU, i.e. the program for adaptation and implementation of the *acquis communautaire*, and also adopted a plan for harmonizing Croatian legislation with the *acquis*. The Croatian Parliament participated in the process of Croatia's accession to the European Union through its Committees.

Committee on European Integration

The Committee on European Integration, established in 2000, oversaw the harmonization of the legal system of the Republic of Croatia with the legal system of the European Union and also monitored the assistance and cooperation programs of the European Union, cooperated and exchanged experience with bodies involved in the processes of European integration.

National Committee²⁴

The National Committee was established as a special Committee tasked with monitoring the negotiations on the accession of the Republic of Croatia to the European Union (2005–2011). The competence of the National Committee included political supervision and assessment of the course of negotiations. Its members were representatives of all parliamentary parties and its decisions were made by consensus. The Committee was also a forum for consultation and discussion between the parliamentary parties and the Government. Moreover, it provided up-to-date information on the European Union and contributed to raising public awareness of European issues.

Croatia-EU Joint Parliamentary Committee²⁵

The Croatia-EU Joint Parliamentary Committee was established in 2004 under the Stabilization and Association Agreement.

The members of the Committee met twice a year at regular meetings, mainly to exchange experience on the most important issues of Croatia's accession to the EU as well as the effective functioning and future development of the EU. The Committee met once in Brussels/Strasbourg and once in Croatia. At the end of each meeting, the Committee adopted joint declarations and recommendations. Since its establishment, the Joint Parliamentary Committee held 17 meetings; the

²⁴ Reply of the Head of the Secretariat of the Committee on European Affairs of the Croatian Sabor to Inquiry No. 4682 to the European Center for Parliamentary Research and Documentation (ECPRD) dated March 29, 2021. URL:

https://drive.google.com/drive/folders/1R_tDGZjGcfzKnUW0Gwkci5K0sE7Qs9kB

²⁵ Reply of the Head of the Secretariat of the Committee on European Affairs of the Croatian Sabor to Inquiry No. 4682 to the European Center for Parliamentary Research and Documentation (ECPRD) dated March 29, 2021. URL:

https://drive.google.com/drive/folders/1R_tDGZjGcfzKnUW0Gwkci5K0sE7Qs9kB

last one took place in Split on April 29-30, 2013. The Joint Committee had no staff of its own – the meetings were organized and conducted by the employees of the Committee on European Integration.

Procedure for consideration of European integration draft laws

In December 2001, the Croatian Parliament amended Articles 136 and 161 of its Standing Orders to set detailed procedures concerning draft legislation to be harmonized with the EU acquis.²⁶

In the amended Article 136, distinction was made between draft legislation that should be harmonized and other “ordinary” draft legislation. Legislative proposals to be harmonized with the EU acquis bear the designation “P.Z.E.”

The amended Article 161 stipulates that legislative proposals being harmonized with the EU legislation of the European Union are to be enacted under the summary procedure (if so sought by the author), unless the competent working body (which is either the Committee on the Constitution, Standing Orders and Political System or the Legislation Committee) proposes that such legislation be discussed and debated in the first reading due to its failure to comply with the Constitution or the legal system.

The simplified consideration procedure allows laws to be adopted as a whole during the first reading. This procedure can be applied not only to European integration bills. However, unlike the case of other draft legislation, voting on enabling the use of the simplified procedure for P.Z.E. legislation is not required.

*On the process of negotiations on Croatia's accession to the European Union*²⁷

Such documents are screening reports, EU common positions, strategies and reports, action plan, reports on fulfilling obligations arising from the negotiation process, etc.

The procedure for the preparation and adoption of the negotiating positions of the Republic of Croatia in the negotiations for accession to the European Union (effective from April 7, 2005) provided for detailed procedures for the adoption of the negotiating position of Croatia:

- A proposal on the negotiating position of Croatia is to be communicated to the National Committee for discussion.
- After an opinion of the National Committee is conferred, the Negotiating Team discusses the opinion of the National Committee and adopts the position.
- The final draft of the negotiating position is then communicated to the National Committee.

²⁶ Role of Parliament in the EU Accession Negotiation Process. Reply to the Inquiry to the European Center for Parliamentary Research and Documentation (ECPD). URL:

<https://drive.google.com/drive/folders/1GvKmamicl0oUsFHfc2kOzouaauXBnM-m>

²⁷ Role of Parliament in the EU Accession Negotiation Process. Reply to the Inquiry to the European Center for Parliamentary Research and Documentation (ECPD). URL:

<https://drive.google.com/drive/folders/1GvKmamicl0oUsFHfc2kOzouaauXBnM-m>

- The National Committee also receives, on a regular basis, various documents related to the negotiating process. Such documents are screening reports, EU common positions, strategies and reports, action plan, reports on fulfilling obligations arising from the negotiating process, etc.

Amendments to the Constitution

At its meeting on June 16, 2010, the Parliament of Croatia adopted a decision announcing amendments to the Constitution of the Republic of Croatia. As a result of these amendments, the Constitution of the Republic of Croatia now includes Chapter VIII ("European Union"), which provides for conferring certain constitutional powers upon the institutions of the European Union, the direct action and application of the European Union acquis, and the guarantee of certain rights to citizens of the European Union in the territory of the Republic of Croatia.

The Parliament of Croatia exerts its influence on legislation at the European level through the process of monitoring the Government's actions in the institutions of the European Union. Article 144(4) of the Constitution reads as follows: "Parliamentary oversight by the Croatian Parliament of the actions of the Government of the Republic of Croatia in European Union institutions shall be regulated by law."

In addition to the monitoring process, the Croatian Parliament participates in the process of implementation of European legislation, in particular through the procedure of adoption of primary legislation and the procedure of transposition of secondary legislation. It also takes part in the process of checking compliance with the principle of subsidiarity.

Czech Republic

Role of the Parliament in the process of European integration²⁸

From the side of the Parliament, the main role in the European integration processes was played by the Committee on European Integration. The Committee focused on monitoring compliance with legal standards, overseeing accession negotiations, and communicating with the parliamentary bodies of EU Member States within the framework of COSAC. After gaining full membership, the Committee's focus shifted to reforming EU institutions.

Parliamentary bodies in charge of European integration work²⁹

The main body of the Czech Parliament for European integration issues was the Permanent Delegation of the Czech Parliament to the EU Parliament. The delegation included 15 MPs and 5 senators. Together with representatives of the EU Parliament, this delegation formed the Joint Parliamentary Association

²⁸ Reply of the Senate of the Czech Republic to the Inquiry of the Parliament of Montenegro to the European Center for Parliamentary Research and Documentation (ECPRD) dated October 11, 2010.

²⁹ Reply of the Senate of the Czech Republic to the Inquiry of the Parliament of Montenegro to the European Center for Parliamentary Research and Documentation (ECPRD) dated October 11, 2010.

Committee, which had a separate mandate within the Association Council and represented both Houses of the Parliament.

Moreover, a Committee on European Integration was created in 1998 (5 years after the signing of the Association Agreement; before that, there was a Subcommittee on European Integration within the Committee on Foreign Affairs and Defense).

Checking compliance of draft laws with EU acquis (procedures after acquiring EU membership)³⁰

In the Czech Republic, the Government Department on Legislative Compliance is responsible for ensuring that no Government bills conflict with the EU acquis. Such compliance is ensured on the basis of *Guidelines on Organizing Work to Ensure the Fulfillment of Legislative Obligations Related to the Czech Republic's Membership in the EU*.

The Czech Republic also has the Government's guidelines on the procedure for submitting EU legislative acts and European Commission materials to the House of Representatives and the Senate of the Czech Republic. In accordance with these guidelines, the Coordinator sends to the Parliament an analysis of the impact of a draft EU act on the Czech Republic, specifying which legislative acts of the Czech Republic will require changes. While considering the draft EU act, MPs also report about changes. The aforementioned Department on Legislative Compliance enters information from this analysis into an electronic database called ISAP. After the adoption of the EU act, the Coordinator prepares, within 20 working days, a Compliance Table containing the relevant norms of the EU act and acts of Czech legislation.

Specifics of implementation of EU Directives into national legislation³¹

In the Czech Republic, there is an accelerated procedure for consideration of draft laws related primarily to EU issues. Thus, the initiator of a draft law can request the adoption of the respective document as a whole during the first reading.

Hungary

Parliamentary bodies in charge of European integration work³²

In Hungary, the main role in the European integration process is played not by parliamentary bodies, but by the Ministry of Justice. It should be noted, however, that the Ministry of Justice of Hungary performs functions which in other countries are usually performed by units of the parliament's secretariat. Thus, all draft laws are checked by the Ministry of Justice for constitutionality and compliance with the national legal system. Even long before accession to the EU,

³⁰ Reply of the Parliamentary Institute of the House of Representatives of the Parliament of the Czech Republic to the Inquiry of the Parliament of Georgia to the European Center for Parliamentary Research and Documentation (ECPRD) dated January 31, 2018.

³¹ Reply the Parliamentary Institute of the House of Representatives of the Parliament of the Czech Republic to the Inquiry of the Parliament of Estonia to the European Center for Parliamentary Research and Documentation (ECPRD) dated May 19, 2020.

³² Reply of the National Assembly of Hungary to the Inquiry of the Parliament of Georgia to the European Center for Parliamentary Research and Documentation (ECPRD) dated January 31, 2018.

the Ministry of Justice began checking draft laws for compliance with the EU acquis, in particular the case law of the EU Court of Justice.

The Ministry of Justice also maintains a database on the approximation of Hungarian legislation to EU legislation and reports quarterly to the Government on this issue.

Checking compliance of draft laws with the EU acquis³³

The Hungarian legal system provides several ways to ensure compliance of legislative acts with the EU acquis. This is provided by a number of regulatory acts, in particular, Law No. CXXX of 2010 on legislation, Order of the Minister of Justice No. 61/2009 on codification, Government Decision No. 1144/2010 on the Rules of Procedure of the Government, and also the Government's Order No. 302/2010 on the task of preparing legal acts for compliance with the EU acquis.

Thus, the supporting documents to each legislative proposal must include a section in which the relationship of the proposed act with the EU acquis is determined explicitly and in detail. More than that, such information must be indicated even in the memorandum required to be prepared for any legislative initiative to be approved by the Government.

Moreover, the final version of a draft law must contain a direct reference to the EU act implemented thereby.

The Ministry preparing an implementing bill must also prepare a Table of Compliance of the provisions of the bill with the EU norms. Such a table is quite simple, consisting of three columns: "Provisions of the EU acquis," "Implementing provisions," and "Comments."

Lithuania

In 1996, the Seimas ratified the Association Agreement with the EU (effective since 1998). To support European integration processes, the Joint Parliamentary Committee of the EU and the Republic of Lithuania was established.

In 1997, the Seimas Committee on European Affairs was established. The Committee was the main body of the Parliament for the negotiation process on accession to the EU. The Committee consists of 15 to 25 MPs, in proportion to the representation of political forces in the Parliament (Seimas).

Prior to Lithuania's accession to the EU, the Committee coordinated the process of legislative approximation and the negotiation process, but at present the Committee's duties include ensuring the representation of the interests of the Republic of Lithuania in the EU (including during the harmonization of Lithuanian legislative acts). In 2003, the Committee initiated the introduction of the position of Permanent Representative of the Seimas of the Republic of Lithuania to the EU, who regularly informs the Seimas about the activities of the European Parliament and, on the other hand, participates in joint inter-parliamentary events; organizes

³³ Reply of the National Assembly of Hungary to the Inquiry of the Parliament of Georgia to the European Center for Parliamentary Research and Documentation (ECPRD) dated January 31, 2018.

the interaction of the bodies of the Seimas and the institutions of the European Parliament within the limits of competence; together with representatives of the Seimas, organizes visits of authorized persons to the European Parliament.³⁴ However, the main role in the process of EU accession negotiations was played by governmental bodies (temporary committees, etc.).³⁵

During the accession negotiations, urgent consideration was given to European integration draft laws; a special designation was assigned to them, indicating that these were European integration bills.

As of today, the Ministry of Justice plays a key role in checking the compliance of draft laws with the EU acquis. Regardless of the initiator of a piece of legislation, the Ministry of Justice must provide its opinion on the compliance of the draft with the EU acquis. The Ministry of Justice has no more than 10 working days to perform the compliance analysis.

In cases where a draft law aimed at harmonizing Lithuanian legislation with the EU acquis is being developed and it is possible to propose alternative ways of regulation, the most favorable one for the national interests is chosen from among them. If necessary, the draft is appended with a separate document: a Compliance Table in which the first column presents the norms of the EU acquis, the second contains the provisions of the draft, and the third describes the mechanism for implementing the norm.³⁶

Slovakia

On the basis of “Concept of Approximation of Legislation in the Slovak Republic” adopted by Government Decree No. 70 of February 1, 1996 (later amended and supplemented by Government Decree No. 445 of June 1996), the approximation of legislation was implemented due to the efforts of the Ministries responsible for the harmonization of relations in their own field of competence. At the government-wide level, the Institute for the Adaptation of Legislation (a stand-alone institution) provided a written opinion on a draft law as to its compliance with the EU acquis, while the Legislative Council of the Government presented proposals on the draft law regarding its compatibility with the Conventions of the Council of Europe and other international treaties binding upon the Slovak Republic. In fact, before being approved by the Parliament, a European integration draft underwent the procedure of pre-legislative discussion in the Government and was also referred to the authorized bodies (the National Bank, the Prosecutor General’s Office, the Supreme Court, etc., depending on the thematic focus).

In 2000, the National Council (Parliament of Slovakia) adopted, with its Resolution No. 726, a strategic document entitled “Goals and Main Responsibilities in

³⁴ Reply of the Information and Communication Department of the Seimas of the Republic of Lithuania to the Inquiry of the Parliamentary Assembly of Bosnia and Herzegovina to the European Center for Parliamentary Research and Documentation (ECPRD) dated March 12, 2021.

³⁵ Reply of the Research Department of the Seimas to the Inquiry of the Parliament of Montenegro to the European Center for Parliamentary Research and Documentation (ECPRD) dated October 11, 2010.

³⁶ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/cd11a530e58b11e7b4d1bdd5f1a9ff0e?jfwid=waaxadulb>

Preparing for the Accession of the Slovak Republic to the European Union.” In that document, the National Council stated that it would focus its efforts on the fulfillment of the Copenhagen Criteria within the framework of the approximation of the Slovak legal system to the *acquis*, and also empowered its Committees to check the compatibility of the relevant draft laws with the EU requirements.

During the process of accession negotiations, the key parliamentary participants were: first of all, the Committee on Constitutional and Legal Affairs, which in November 1993 established its Commission on the Compatibility of the Slovak Legal System with the EU *acquis*, and later, in 1995, created the Commission on Harmonization of Legislation; subsequently, a separate parliamentary Committee on European Integration was also created, which was mainly responsible for monitoring the implementation of the Association Agreement and overseeing activities related to the implementation of the National Program for Adaptation to the EU *acquis*.

In 2000, the organizational structure of the Chancellery of the Parliament underwent certain changes; nine new organizational units were established. Five of them, within the Institute of Parliamentarism, were crucial in the process of European integration: the Legislative Department, the Analytical and Educational Department, the library, etc.

Later (after 2004), that structure was changed again. The Department of Legislation and Adaptation of Legislation became a separate department within the Chancellery. Thus, the Institute of Parliamentarism became an information and analytical center (hub) of parliamentary research, library and archival services.³⁷

Slovenia

Legislative procedure

The preamble to a draft law (analogue of an explanatory note) necessarily had to contain examples of regulation of similar problems in EU Member States (at least three), as well as the impact of the draft law on the harmonization of national legislation and the EU *acquis*. If the draft law does not contain mandatory elements (including a declaration of compliance with the EU *acquis*), the Chairperson of the National Assembly asks the author to supplement the draft within 15 days. If the initiator of the bill fails to supplement it within the specified period, the document is considered not to have been submitted.³⁸

Where a bill has been initiated by an entity other than the Government, it is to be referred for review not only to the MPs but also to the Government.

³⁷ Reply of the Chancellery of the Parliament of the Slovak Republic to the Inquiry of the Parliamentary Assembly of Bosnia and Herzegovina to the European Center for Parliamentary Research and Documentation (ECPRD) dated March 12, 2021.

³⁸ Reply of the National Assembly of Slovenia to the Inquiry of the Parliament of Georgia (ECPRD) dated January 31, 2018.

Formation of a negotiating position with the EU

In order to discuss political reference points regarding the functioning of the Republic of Slovenia in the EU institutions, the Government submits a draft declaration taking into account the Working Program of the European Commission and the Program of the Presidency in the EU Council. The opening speech at the session of the National Assembly is delivered by the Head of the Government; ministers and heads of government institutions take part in the debates. A clear-cut procedure for the discussion of changes to the governing documents ensuring the stability of the EU and the formation of the position of the Republic of Slovenia on the respective issues is enshrined in the legislation. Parliamentary Committees cooperate with the Government on issues related to cooperation with the EU.³⁹

Role of the National Assembly in the process of European integration

In the process of European integration, the National Assembly performed two main tasks: adaptation of Slovenian legislation to the EU legal order; and endorsement of the presented negotiating positions of the Republic of Slovenia.

In 1999, a special working calendar of the Parliament was adopted, in which days were allocated specifically for discussing “European” laws. By the year 2000, most laws were adopted under the fast or urgent procedure.

In 2002, amendments to the Rules of Procedure were adopted, according to which the first reading of a bill law was not mandatory. The consideration could take place under the summary and urgent procedures wherein, in view of special interests of the state or extraordinary circumstances, the second and third readings of the draft were held at the same meeting. The goals were rationalization and shortening of legislative procedures.

France

Article 151-1 of the Rules of Procedure of the National Assembly⁴⁰ defines the activities of the Committee in charge of European affairs. The Committee on European Affairs consists of 48 members, with proportional representation of political groups and Standing Committees. The Committee on European Affairs may invite French Members of the European Parliament to participate in its work with an advisory vote.

The said Committee on European Affairs may, on its own initiative or at the request of a Standing or Special Committee, give comments on any provision of a draft law relating to *acquis communautaire* issues. These comments may be presented to the lead Standing or Ad Hoc Committee. The Conference of

³⁹<https://imss.dz-rs.si/IMiS/ImisAdmin.nsf/IMiSNetAgent?OpenAgent&2&DZ-MSS01/ecba208564d333f66a6eabfb7c5e9d06ed97e54277741a40748a99c7efa33072>

⁴⁰Constitution of the French Republic. URL:

https://www.assembleenationale.fr/dyn/16/divers/texte_reference/02_reglement_assemblee_nationale.html#_ftn225

Presidents of the Assembly ⁴¹ may authorize the Committee on European Affairs to present its comments in an open session.

Pursuant to Article 88-4 of the Constitution, the transfer of drafts or proposals submitted by the Government to the Assembly in respect of acts of the European Union is to be entered in the official journal. The Committee on European Affairs can submit an information report on any document originating from an institution of the European Union and propose that the Assembly adopt a corresponding resolution (Article 151-2 of the Rules of Procedure of the National Assembly).⁴²

Draft laws authorizing the ratification of the Treaty on the Accession of the State to the European Union, discussed in the Council of Ministers with the aim of referring them to a referendum, are referred by the Government to the Assembly, published and distributed. Such a draft law must be signed by at least one-tenth of the members of the Assembly and may not be accompanied by any conditions or reservations or include any amendments to the text submitted by the Government. The proposition is presented to the Committee on Foreign Affairs, which is to provide its report within fifteen days. The proposition is registered at the opening of the next session. The discussion is organized by the Conference of Presidents; and prior to the voting, one speaker from each group is given the floor for 5 minutes. If the proposition is accepted by a three-fifths majority of the Assembly members, it is immediately transferred to the Senate.

⁴¹ Pursuant to Article 47 of the Rules of Procedure, the Conference of Presidents (AKA Conference of the Heads of the Assembly) is convened weekly (if necessary) by the Speaker of the National Assembly. Its members include the President, the Vice-Presidents of the Assembly, the Heads of the Standing Committees, the general rapporteurs of the Committee on Social Affairs and the Committee on Finance, General Economy and Planning, the Presidents of the Committee on European Affairs and the presidents of the groups. The Government can delegate its representative thereto. At a weekly meeting, the Conference considers the Assembly's schedule for the current week and the next three weeks. <https://www2.assemblee-nationale.fr/15/la-conference-des-presidents>

⁴² Organic Law of April 15, 2009. URL: https://www.assembleenationale.fr/dyn/16/divers/texte_reference/02_reglement_assemblee_nationale.html#_ftn225

