

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?

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?

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

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

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

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.)?

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?

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?

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)?

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?

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

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?

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

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?

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?

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

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?

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?

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?

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?

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?

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

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?

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

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

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.);
- improvement of the dialog between the national parliament and the national government;
- new procedures that would allow for influencing the content of the European legislation and policy at an early stage;
- extensive use of information-flow as a basic instrument of influence on legislation and policy-making?

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

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?

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?

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?

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

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)?

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?

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?

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.)?

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")?

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)?

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?

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?

6.5 Concerning subsidiarity control:

a/are there specific rules of procedure?

b/ are there portfolio arrangements?

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

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

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?

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?

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?

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?

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?

[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?]

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?

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

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?