

Development of the Role of National Parliaments in the European Union

NIKOLINA MARASOVIĆ¹

PhD Student, Deák Ferenc Doctoral School of Law,
University of Miskolc; Junior Researcher, Central
European Academy, Budapest
E-mail: nikolina.marasovic@student.uni-miskolc.hu

ABSTRACT

This study focuses on the historical development of the role of national parliaments in the European Union (EU). The study first deals with questions such as what the parliament is, how parliaments are structured, what the functions of a parliament are, and how, over time, national parliaments have lost their power, while the European Parliament has strengthened its own. The main part of the work refers to the influence and role of national parliaments through different periods of the development of the EU, starting with the foundation of the organisation with the Lisbon Treaty. National parliaments have always been part of the EU political system, although hidden behind their governments, and are called upon to play a direct role on extraordinary and limited occasions such as the ratification of treaty reforms.

KEYWORDS

Parliament, national parliaments, role of national parliaments, European Parliament, European Union, treaties.

Dezvoltarea rolului parlamentelor naționale în Uniunea Europeană

REZUMAT

Acest studiu se concentrează asupra dezvoltării istorice a rolului parlamentelor naționale în Uniunea Europeană (UE). Studiul abordează mai întâi aspecte precum: ce este parlamentul; cum sunt structurate parlamentele; care sunt funcțiile unui parlament; precum și modul în care, de-a lungul timpului, parlamentele naționale și-au pierdut o parte din putere, în timp ce Parlamentul European și-a consolidat atribuțiile. Partea principală a lucrării se referă la influența și rolul parlamentelor naționale în diferite etape ale dezvoltării UE, începând cu fondarea organizației prin Tratatul de la Lisabona. Parlamentele naționale au făcut întotdeauna parte din sistemul politic al UE, deși adesea rămase în umbra guvernelor lor, fiind chemate să joace un rol direct în situații excepționale și limitate, precum ratificarea reformelor tratatelor.

CUVINTE CHEIE

Parlament, parlamente naționale, rolul parlamentelor naționale, Parlamentul European, Uniunea Europeană, tratate.

¹ ORCID iD: 0009-0000-3878-7804.

I. INTRODUCTION

The role of national parliaments is very important because of the norms that the European Union has established regarding the involvement of national parliaments and how these norms have evolved over time, as well as the question of how the domestic legal systems of Member States have shaped the position of their national parliaments in EU affairs. National parliaments were actively involved during the creation of the EU in a way that each founding treaty of the three original communities (European Coal and Steel Community, Euroatom, and European Economic Community) required the approval of national parliaments of all six founding members. Further, the treaty reforms of the Single European Act, the Maastricht Treaty, the Amsterdam Treaty, and the Treaty of Nice marked significant efforts to strengthen parliamentary democracy in the EU and thus contributed in parallel to the development of the role of national parliaments in the EU decision-making process. This was still a limited method of participation, but greater participation of national parliaments in the activities of the EU was made possible with the adoption of the Treaty of Lisbon, which finally provided more significant opportunities for direct contact with EU institutions. The relationship between national parliaments and the EU is actually the relationship between a set of institutions within the national constitutional orders of the Member States on the one hand and an international organisation of which these Member States form part on the other.

II. GENERAL INFORMATION ABOUT THE PARLIAMENT (GENESIS)

Parliament comes under different appellations in different countries, but in generic terms, it is a representative body of the political system, represented by individuals to whom the people have entrusted the responsibility of representing them by laying down the legal framework within which society shall be governed. Parliaments also ensure that these legal conditions are implemented in a responsible manner by the executive.

The form of a democratic socio-political organisation called a parliamentary system or parliamentarianism is named after parliament. This system is also called the Westminster system, after London's Westminster, where the British Parliament is located.² The name parliament comes from the French *parlement*, which is the action of *parler* (to speak), so *parlement* is a discussion, and the term came to mean a meeting where discussions take place.

In the modern sense, it refers to a body of people (in the institutional sense) who meet to discuss matters of state. Initially, the parliamentary system was the first form

² For an overview of the Westminster system, see the website of the Legislative Assembly for the Australian Capital Territory. Available at: <https://www.parliament.act.gov.au/visit-and-learn/resources/factsheets/the-westminster-system> (accessed on 4.12.2025).

of representative government to include commoners in the decision-making forum (but not the nobility). Legislatures, also called parliaments, operate under a parliamentary system in which the executive is constitutionally accountable to the parliament. This can be contrasted with a presidential system based on the model of the United States congressional system that operates under a stricter separation of powers, where the executive does not form part of, nor is it appointed by, the parliamentary or legislative body. Usually, congresses do not select or dismiss the heads of government, and governments cannot request early dissolution, as may be the case for parliaments. Some states have a semi-presidential system that combines a powerful president with an executive that is responsible to parliament.

The development of the modern parliamentary system dates back to the late thirteenth century in England and was formalised by King Edward I of England at a meeting in 1295, when representatives of rural landowners and townsmen were invited to participate in the King's Council (known as *Curia Regis*) as members of the commons. In the beginning, the English Parliament was unicameral, and a few years later, in the 14th century, it acquired a bicameral structure.

However, according to many authors, the ancient Greek and Roman parliaments were considered the oldest bicameral parliaments when the basic idea of the entire bicameral system developed. One of the rationales behind the bicameral nature of parliaments is that power should not be concentrated in the hands of any individual, any institution, or any class, while another is that wisdom is needed to rule.³

1. Parliament and separation of powers – (Genesis)

The division of power in a state is exercised by three separate institutions, which are independent of one another to avoid possible conflicts when all powers are concentrated in the hands of a single individual or institution. The division of powers is necessary because history has often shown that unlimited power in the hands of one person or group, in most cases, means that others are suppressed or their powers are curtailed. The separation of powers, typically for democracy, is intended to prevent the abuse of power and safeguard freedom for all. In a democratic system where there is separation of powers, the state's tasks are divided into three branches: legislative, executive, and judicial. First, legislative power is exercised by a parliament which debates and adopts laws, provides resources to the executive power for the implementation of this legislation, and monitors the implementation thereof. Second, executive power is exercised by the Head of State, assisted by the government responsible for formulating and implementing policies for the common good of society. Finally, judicial power is exercised by the courts responsible for ensuring that laws are implemented properly and that any misconduct is punished appropriately.⁴

3 Petar Bačić: *Drugi dom – stanje, poslanje, perspektive, Zbornik radova Pravnog fakulteta u Splitu*, 1/2007, pp. 87–104, p. 88.

4 Inter-Parliamentary Union, UNESCO (2004): *A Guide to Parliamentary Practice: A Handbook*, UNESCO-IPU, pp. 4–7. Available at: <https://www.ipu.org/resources/publications/handbooks/2016-07/handbook-guide-parliamentary-practice> (accessed on 4.12.2025).

2. Structure and functions of parliaments

Regarding the structure of parliaments, some are unicameral, which means they are composed of a single chamber/house, such as Sweden (*the Rigstag*) or Denmark (*the Folketing*), while others are bicameral, composed of two chambers/houses such as the United Kingdom (*House of Commons* and *House of Lords*) and France (*National Assembly* and *the Senate*). Most modern countries have adopted unicameral systems. In some countries with a federal structure, there are national and regional parliaments; although they perform basically the same functions as the national parliament, they are given decentralised authority to legislate in areas of local or regional significance.

Most parliaments are elected in the context of elections held at regular intervals based on universal suffrage.

Generally, parliaments have a two-tier management structure, one being the political structure responsible for making decisions regarding political issues before the parliament, and there is the administrative structure, which supports the political decision-making process. Parliaments also perform their work through various types of committees (*standing, select, portfolio, specialised, or ad hoc*) entrusted with responsibility for a specific sector of the state business.⁵

Parliaments are responsible for protecting and promoting human rights and are the principal representative institutions in each state. They are responsible for representing the interests of all sectors and societies, particularly in articulating these interests in relevant policies and ensuring that these policies are implemented efficiently.

Parliaments perform three main functions. The first is the legislative role by which they adopt laws that govern society in a structured manner. The second role is to oversee the executive, which means monitoring performance by the executive to ensure that the latter performs in a responsible and accountable manner, and the third function of parliament is to allocate financial resources to the executive (including monitoring government spending).⁶

III. THE EUROPEAN UNION AND ITS RELATIONSHIP WITH THE NATIONAL PARLIAMENTS – DEVELOPMENT OF THE ROLE OF NATIONAL PARLIAMENTS

Before discussing the main topic, it is important to answer some preliminary questions. The first question is as follows: what kind of organisation is the EU? Is it a federation, confederation, or something else? These questions lead to the next one: what is the nature of the EU, and provided that the EU is a union of democratic states, is the Union itself organised in a democratic way? Finally, what is the main role of national parliaments in the EU?

⁵ Inter-Parliamentary Union, UNESCO (2004): p. 6.

⁶ Inter-Parliamentary Union, UNESCO (2004): p. 6.

To answer these questions, it is necessary to look into the history of European integration and the genesis of the European Parliament, all of which are necessary to get to the final answer to the main topic: the role of national parliaments in the EU.

Regarding the legal nature of the EU, it is important to emphasise that the EU is not a state, but it also has features that distinguish it from an ordinary intergovernmental association. These features include the complex structure of institutions, which ultimately indicate that it is not an ordinary international agreement among sovereign states. It is considered that the EU is more than a confederation, but it is not a federal state either because this would imply that it is a group of modern states with unlimited veto power.⁷

In view of the above, many authors believe that the most appropriate description of the legal nature of the EU would be the term *supranational organisation*, which would indicate that it is something more than an international organisation, but it has not yet reached the level of integration among Member States necessary to achieve statehood. Thus, in Case 26/62, *Van Gen den Loos v the Netherlands* (1963), the European Court of Justice considered that the original community was *unique*, that is, *sui generis*, which is justified considering there is no other similar entity. The uniqueness of the aforementioned features of the Union stems from its relationships with its members and its external relationships.

From the Union's relationship with the Member States, it can be concluded that the Community or Union was established by the creation of permanent institutions that were assigned legislative, executive, and judicial powers, which were transferred from the Member States. Thus, the legal existence of the EU is based on the transfer of sovereign power, wherein the sovereign rights of each state are limited. In countries that are not members of the EU, it acts as a *legal entity*, given that this is determined by customary international law.⁸

1. National Parliaments under the Treaties establishing the European committees

The situation after the Second World War is closely related to the development of the EU because society and the economy had to be restored after the ruins, and many states had to be re-established. Europe had to look for more modest instruments of independent integration that would bring peace, but also to find instruments that would restore the economy. The first step towards achieving this goal was the establishment of the European Coal and Steel Community (ECSC), which initially aimed to prevent further war between France and Germany. This community was founded on international cooperation based on the principle of supranationalism and was first proposed by French Foreign Minister Robert Schuman on the 9th of May 1950. Based on the Schuman Plan, six countries (Germany, France, Italy, the Netherlands, Belgium, and Luxembourg) signed an agreement in Paris on 18 April 1951, which established a common framework

7 For more details, see: Arsen Bačić, Petar Bačić (2017): *Europsko pravo, studijski izvori 1.*, Pravni fakultet Sveučilišta u Splitu, Split, p. 132.

8 Bačić, Bačić (2017): p. 132.

for agreements on the production and distribution of coal and steel and an autonomous system of institutions that would manage it for the next 50 years.⁹

Based on the success of the Coal and Steel Community Agreement, the six founding countries expanded their cooperation into other economic areas. The next step was the signing of two treaties, the European Economic Community and the European Atomic Energy Community (Euratom); these communities came into existence on 1 January 1958.

The next important event occurred on 19 March 1958, which was also considered the day the European Parliament was born. It was the day the first session of the European Parliamentary Assembly, the predecessor of today's European Parliament, took place in Strasbourg, France, electing Robert Schuman as its president. On 30 March 1962, the Assembly replaced the Joint Assembly of the ECSC and changed its name to European Parliament.

On 1 July 1967, the three aforementioned communities merged into one European Community (EC), with common institutions representing the forerunners of the EU.

Most national parliaments were not involved in early agreements; for this reason, they have no information on and cannot control the drafts of EU decision-making taking place in this accelerated form. This also calls for early involvement and accelerated national scrutiny.¹⁰

National parliaments are central actors in the scrutiny and implementation of EU legislation.¹¹ Thus, Raunio maintained that national parliaments participate in the EU in three ways. The first is the national parliaments' participation in the formulation of national policy based on Union legislation; the second is to monitor the behaviour of Member State representatives in the Council of Ministers and the European Council; and the third is to have functions that are specifically regulated by treaties such as the ratification of amendments to treaties and the implementation of directives. The last function of participation differs from the first two, as treaties impose rights and duties on national parliaments. During the time of development, the EU expanded its competencies, resulting in a significant change in the institutions and political environment of national parliaments.

European integration refers to the transfer of responsibilities previously held by Member States to common decision-making institutions. As a result of this transfer of responsibility, there has been a reduction in the roles of national parliaments as legislators, budget authorities, and executive oversight bodies. Several competencies that were transferred from the national level to the EU initially belonged to the Council, but the European Parliament gradually assumed a full parliamentary role.

National parliaments have seen that more effective oversight of their governments' activities at the EU level and closer ties with the European Parliament are good ways

9 Mads Dagnis Jensen, Dorte Martinsen (2015): *Out of Time? National Parliaments and Early Decision-Making in the European Union*, Cambridge University Press, Cambridge, p. 250.

10 Jensen, Martinsen (2015): p. 250.

11 Tapio Raunio (1999): *Always One Step Behind? National Legislatures and the European Union*, Cambridge University Press, Cambridge, p. 180.

to increase their influence on EU policymaking, while ensuring that the EU is based on democratic principles.

The European Parliament also benefits from a close relationship with national parliaments because their participation helps strengthen the legitimacy of the European Parliament and brings the EU closer to citizens.

Historically, national parliaments have undergone different stages of adaptation to European integration. Some authors (T. Raunio and John O'Brennan) identify a three-stage process through which legislatures become increasingly involved in the governance of the Union.¹² At the very beginning of the first stage, between the 1950s to the mid-1980s, national parliament involvement was very limited because of the lack of interest in integration and the nature of the EC. It was also characterised by inter-governmental decision-making; public opinion in the original six countries, Benelux countries, France, Italy, and West Germany, was supportive of integration, and there were hardly any procedural changes within the national legislatures. This period also had a low interest in European affairs among member parliamentarians.

In 1973, when Denmark and the UK (and Ireland) entered the community, the situation began to change such that the membership issue produced a notable cleavage in both countries. This was influenced by public opinion, and party elites were much more hesitant about integration than other Member States were. The parliament traditionally occupied a central place in the Danish and British political systems, so it was not surprising that the legislatures of both countries decided to establish European Affairs Committees to have more control over the work of the Council.

2. The period before successive treaty amendments

National parliaments neither had nor were they in search of a formally subscribed function in EU affairs under the treaties establishing the EC. Until 1979, members of the European Parliament were not directly elected by the people of Europe but were instead members of national parliaments who had been designated as members of the European Parliament.

In accordance with the previously mentioned authors, the second stage of adaptation is between the 1980s Maastricht Treaty—which is characterised by responding to the challenge where community decision-making acquired supranational elements—and the initiation of the internal market project, being the real spur of change. In 1985, the Commission launched its White Paper on a single market, and the Single European Act (SEA) was signed a year later.¹³

The question of the role of national parliaments emerged after the SEA (1987) came into force, which reinforced the idea of integration. The SEA extended the scope of qualified majority voting. Thus, there were two profound changes brought about by

12 John O'Brennan, Tapio Raunio (2007): Introduction: Deparliamentarization and European Integration, in John O'Brennan, Tapio Raunio (eds.): *National Parliaments within Enlarged European Union, From 'Victims' of Integration to Competitive Actors*, Routledge, London–New York, pp. 1–26, p. 9.

13 O'Brennan, Raunio (2007): p. 9.

SEA. First, the community's jurisdiction was extended to new areas, and then qualified majority voting was introduced in the Council. Therefore, along with the assent and cooperation procedures that strengthened the legislative powers of the European Parliament and Commission, there is no possibility that national governments will block Council decisions. However, the SEA strengthened supranationalism in EC decision-making.

The main characteristic of the erosion of national sovereignty was connected to the scrutiny and implementation of internal market directives that increased the workload of legislatures, as laws that were previously under the jurisdiction of national parliaments were now decided in Brussels. This was the moment when national parliaments realised that they had underestimated the impact of the EC's evolution on their own political functions. Given that the Community needed to expand its power, MPs in the majority of the legislatures recognised the need to keep pace with community politics. The realisation of the above was possible mainly by strengthening the competence of the existing or establishing special EU committees. At this point, it was widely felt that specific permanent committees, which were supposed to follow EC activities within their field of competence, were unable to do so more slowly. Consequently, specific bodies have been established for European affairs. At times, these bodies have the status of a committee when they present reports directly to the plenary and ask for a vote. In other cases, they have a lesser status that bars them from direct access to the plenary. In such cases, there could be findings that require parliamentary action to be passed to the competent committee so that they can be introduced to the plenary.¹⁴

Through these committees, national parliaments have sought to act collectively, and in 1989, they created the Conference of Community and European Affairs Committees, which is more commonly known as the French abbreviation for Conference: *COSAC*.¹⁵ The Conference meets twice a year in the Member States holding the Presidency of the Council (of Ministers) of the EU and brings together members of European Affairs Committees and a delegation of the European Parliament. At these meetings, which also include the Chairman of the Institutional Committee, COSAC provides a great forum for the exchange of information, as well as the exchange of best practices on parliamentary involvement in the EU. This kind of exchange of information and analysis at this forum helps parliaments less effective in scrutinising their own governments' policy benefit from the experience of others more effectively and prepare the ground for more influential COSAC actions.¹⁶

There is also the Conference of Speakers of the EU, which is considered the oldest vehicle for formalised contact between national parliaments, as they have held regular annual meetings since 1975. The guidelines of the Conference state that its members include the speakers of national parliaments in EU Member States, as well

14 Karlheinz Neunreither (1994): *The Democratic Deficit of the European Union: Towards Closer Cooperation between the European Parliament and the National Parliaments*, Cambridge University Press, Cambridge, p. 303.

15 Neunreither (1994): p. 303.

16 Theo Jans, Sonia Piedrafita: *The Role of National Parliaments in European Decision-Making*, *EIPAScope*, 1/2009, pp. 19–26, p. 20.

as the President of the European Parliament. Together with COSAC, this Conference is a forum for the exchange of information, opinions, and experiences, and it promotes research activities and common actions.

Finally, the third stage of the national parliament's adaptations to the EU, in accordance with the previously mentioned authors, is between addressing the democratic deficit and the Maastricht Treaty.¹⁷ This stage was characterised by further extensions of the EU's powers thanks to the Maastricht Treaty, which moved the balance of power further in favour of the EU. In the Council, majority voting increased, while the co-decision procedure gave the EP equal status in certain issue fields. Public opinion surveys have shown that citizens have become increasingly sceptical of integration, while national parties are struggling to maintain unity in European matters. The debates that followed Maastricht were more focused on the democratic deficit, which was defended as the weak role of directly elected institutions in EU governance. Therefore, national parliaments were seen as some of the best solutions for correcting the deficit. Addressing the democratic deficit began during the ratification of the Maastricht Treaty, while most legislatures sought a chance to play a more active role. It was obvious to national legislatures that the successful implementation of the Maastricht Treaty would change Europe's political landscape. The result of the above was that some parliaments made their ratification conditional on receiving more powers *vis-à-vis* the government in European matters, and this was seen also as a guarantee for better access to information on EU matters.¹⁸

The next development was made with specialised standing committees that gradually became more involved in European questions. Recognising the huge workload of the European Affairs Committees was part of the delegation of authority from the EU committees to the standing committees, which was also motivated by the need to utilise the policy expertise of the standing committees. This situation of sectoral specialisation had influenced a very uneven pace in that in some parliaments (the Danish and the Finnish) the role of the standing committees had become institutionalised, while in some southern Member States, these standing committees remain marginal actors. It is important to note that while establishing a system of specialised committees for scrutinising the participation of their governments in EU affairs, national parliaments act strictly within the limits of their competence. Even if the Maastricht gives some more roles to national parliaments, all modifications or amendments of the existing treaties must be submitted for their agreement according to the constitutional rules of each Member State, which is also a lesson to national parliaments that in the future they should not accept to be confronted with a new treaty or major treaty amendments that have already been negotiated, but they should insist on increased participation in the preparatory process.

17 The contract was signed on 7 February 1992 and entered into force on 1 November 1993. The Maastricht Treaty created the European Union, and it is officially known as the Treaty on European Union. It marked the beginning of "a new phase in the process of creating an ever more closely connected community of peoples in Europe", giving the previous community a political dimension.

18 O'Brennann, Raunio (2007): pp. 11–12.

It is interesting to mention that some authors (such as K. Neunreither) have proposed criteria for evaluating the efficiency of parliamentary influence on executive action in EC matters. For the first criterion, they proposed early information about the conversations within various EU Council committees, or at least at the stage of deliberation, and also information on whether the Council itself had commented on a given issue. The second criterion would consist of the obligation of a national government to consult its own parliament on major issues to be decided upon within the Community framework, while the last criterion would be whether parliamentary opinions should bind the national government or whether it should be considered as just an informal outline.¹⁹

3. The period after successive treaty amendments

Over time, as competencies shifted from the national to the EU level with successive treaty amendments, the proper role of national parliaments became a more pressing issue in the European integration process. Because of the Council's role as the most important EU decision-making institution, the decision-making process of the EU is heavily influenced by national governments, as more powers were transferred to the European level, which deprived the national parliament of direct powers over the adoption of legislative acts in those fields in which powers had been transferred.

The EU Treaties came to recognise the role of national parliaments, first through a *Declaration on the Role of National Parliaments in the European Union* (annexed to the final act of the Maastricht Treaty), *Intergovernmental Conference* (IGC), and then in *Protocols that were annexed to the Treaties by the Amsterdam* (Torino, 1996, in force from 1999) and *Nice Treaties* (26.02.2001, in force from 01.02.2003).

It is also interesting to mention that the final text of the Treaty Establishing a Constitution for Europe, which ultimately failed to become law on account of Dutch and French vetoes, explicitly mentioned the role of national parliaments in the body of the treaty text itself for the first time.²⁰

Declaration number 13 annexed to the Maastricht Treaty was the first, albeit timid, step forward recognising the role of national parliaments, which was followed by a *Protocol on the Role of National Parliaments in the European Union annexed to the Treaty of Amsterdam* (1996, in force from 1999), all of which eventually culminated in the direct role of national parliaments under the form of an *early warning system* provided in the Lisbon Treaty. It focused on improving the scrutiny process at the national level (individual roles).

The Maastricht Treaty, in *annexed Declaration 13*, stated,

[t]he Conference considers that it is important to encourage greater involvement of national parliaments in the activities of the EU and that this was to be done through improved access to information. The governments of Member States will ensure that national parliaments receive commission proposals for legislation in a good time for information, which would be enough time for possible examination. Similarly, the Conference considers it important for contact between the national parliaments and the European Parliament to be stepped up, in particular through the granting of appropriate reciprocal facilities and regular meetings between members of parliament interested in the same issues.

19 Neunreither (1994): p. 304.

20 O'Brennann, Raunio (2007): p. 13.

Therefore, it was emphasised that there would be extended cooperation with the European Parliament.²¹

Besides *Declaration 13*, *annexed Declaration number 14* is also important for the role of national parliaments, and it was focused on the collective role of the parliaments (national plus European Parliament) and tried to get started the Assises or, better said, to move forward the joint conference of the European Parliament and national parliaments that had convened in 1990. It states,

*[t]he Conference invites the European Parliament and national Parliaments to meet as necessary as a Conference of the Parliaments (or 'Assizes'). The Conference of the Parliaments will consult on the main features of the EU without prejudice to the powers of the European Parliament and the rights of the national parliaments. The President of the European Council and President of the Commission will report on each session of the Conference of the Parliaments on the State of the Union.*²²

Although declarations are not legally binding, their inclusion in the treaty was part of a political breakthrough while recognising the right of national parliaments to monitor EU legislation *ex ante*.

Both the above-mentioned issues of annexed declarations of Maastricht were on the agenda during 1996–1997, the work of the *Intergovernmental Conference* (IGC '96). The role of the national parliament was a minor or, better, marginal issue in the IGC, with limited interest. In the EP Task Force on the IGC, some countries were, at the start of 1996, not in favour of reinforcing the role of national parliaments (Germany, Italy, Luxembourg, Spain, Belgium, Ireland, and the Netherlands). All countries supported the idea of systematically forwarding commission proposals to national parliaments, but all Member States wanted commissioners to be heard by national parliaments according to the control exercised by the EP.

Next, the role of national parliaments emerged with the Protocol attached to the Amsterdam Treaty, the *Protocol on the Role of the National Parliaments in the European Union*. Protocols are legally binding instructions for the relevant individuals and institutions, an improvement over the Maastricht Declaration. The Protocol's provisions contain some steps forward; for example, setting an exact time limit that the national parliaments and EU institutions must respect, and another provision contains details documenting that the national legislatures have the right to receive.²³

The importance of *Declaration No. 23 of the Treaty of Nice* lies in the four key questions it lists, which the next IGC should address, with one of them being “the role of national parliaments in the European architecture”. It is also important to mention *the Laeken Declaration* (December 2001), which provided more detailed questions about the contribution of national parliaments. Questions that this declaration had to deal with were,

21 O'Brennann, Raunio (2007): pp. 12–13.

22 O'Brennann, Raunio (2007): p. 12.

23 Philipp Kiiver (2007): *European Scrutiny in National Parliaments: Individual Efforts in a Collective Interest*, in John O'Brennann, Tapio Raunio (eds.): *National Parliaments within Enlarged European Union, From 'Victims' of Integration to Competitive Actors*, Routledge, London–New York, p. 71.

for instance, represented in a new institution, alongside the Council and the European Parliament, or whether they should have a role in areas of European action in which the European Parliament had no competence, but it would also focus on the division of competence between the Union and Member States, for example, through preliminary checking of compliance with the principle of subsidiarity. The Treaty of Nice (signed on 26 February 2001) was intended to make legal preparations for the future enlargement of the EU, while the rejection of the first referendum on the Treaty contributed to the greater emphasis on the scrutiny of European issues.²⁴

Furthermore, the role of national legislatures featured prominently in the debates on the Convention. The national legislatures met from February 2002 to July 2003 to draft a constitution for the Union. This Convention established a separate Working Group (WG IV) on *the role of national parliaments* for debating the position of domestic legislatures. The first time national parliaments were mentioned in the main text of the Constitution came with the Constitutional Treaty signed in October 2004. Article I-46, which is connected to the principle of representative democracy, contains the following provisions: 1) The functioning of the Union shall be founded on representative democracy. 2) Citizens are directly represented at the Union level in the European Parliament. Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national parliaments or to their citizens. 3) Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen. 4) Political parties at the European level contribute to forming European political awareness and expressing the will of citizens of the Union.²⁵

The *Protocol on the Role of National Parliaments in the European Union* and the *Protocol on the Application of the Principles of Subsidiarity and Proportionality* are the main sections of the Constitutional Treaty. The former is designed to make national legislators better informed about EU decisions, whereas the latter focuses specifically on monitoring subsidiarity principles. In the Protocol on the Role of National Parliaments in the European Union, it is prescribed that the draft of European legislative acts sent to the European Parliament and the Council shall be forwarded to national parliaments, which means proposals from the Commission, initiatives from a group of Member States, initiatives from the European Parliament, requests from the Court of Justice, recommendations from the European Central Bank, and requests from the European Investment Bank for the adoption of a European legislative act. This is a significant improvement on the Protocol in the Amsterdam Treaty because legislative initiatives shall now be sent directly to national parliaments by the respective institutions. At the same time, under the present rules (in the Amsterdam Treaty), the “government of each Member State may ensure that its own national parliament receives them as appropriate”. One improvement is that national MPs also gain better access to non-legislative documents. In addition to the Commission consultation documents (communication and green and white papers, which were mentioned earlier in the Amsterdam Treaty’s Protocol), the

24 O’Brennann, Raunio (2007): p. 13.

25 O’Brennann, Raunio (2007): p. 14.

national parliaments will in the future also receive the Commission's annual legislative programme, the annual reports of the Court of Auditors, "as well as any other instrument of legislative planning or policy to national Parliaments". Inclusively, the Protocol states that the agendas for and the outcomes of meetings of the Council, including the minutes of meetings where the Council is deliberating on draft European legislative acts, shall be forwarded directly to national parliaments at the same time as to Member States' governments.²⁶

The Treaty of the European Union (TEU, 2007) and the Treaty on the Functioning of the European Union (TFEU, signed on 25 March 1957) provided important changes in direct relevance to national parliaments. National parliaments were mentioned for the first time and assigned specific roles in the body of the treaty text. National parliaments ensure compliance with subsidiarity (Article 5 TEU) and contribute to the good functioning of the EU (Article 12 TEU). According to Art. 12, national parliaments contribute actively to the good functioning of the Union: 1) through being informed by the institutions of the Union and having draft legislative acts of the Union forwarded to them in accordance with the Protocol on the Role of National Parliaments in the European Union; 2) by seeing to it that the principle of subsidiarity and proportionality is respected; 3) by taking part, within the framework of the area of freedom, security, and justice, in the evaluation mechanisms for the implementation of the Union policies in that area and through being involved in the political monitoring of Europol and the evaluation of Eurojust's activities; 4) by taking part in the revision procedures of the Treaties, in accordance with Article 48 of this Treaty; 5) by being notified of applications for accession to the Union; 6) by taking part in the inter-parliamentary cooperation between national parliaments and with the European Parliament, in accordance with the Protocol on the Role of National Parliaments in the European Union.²⁷

They were also given prerogatives, especially the *early warning system* for monitoring possible breaches of subsidiarity and checks carried out by COSAC. This so-called early warning system is a mechanism that enables national parliaments to conduct surveillance with respect to the principles of subsidiarity and proportionality, which means that it empowers them to ensure compliance with the principle of subsidiarity (Art. 5.3 TEU).

IV. REBALANCING AND REASONS FOR GAINING THE POWER OF THE EUROPEAN PARLIAMENT VS WEAKENING THE POWER OF NATIONAL PARLIAMENTS

European integration has been the most successful political project in Europe's history, yet it is also marked by growing scepticism. Political leaders have become more cautious and hesitant, increasingly questioning the legitimacy and future direction of European

26 O'Brennan, Raunio (2007): p. 15.

27 Consolidated version of the Treaty of the European Union, *Official Journal of the European Union* (C 326/15).

integration. European citizens, on the other hand, became more outspoken than ever, and they began to claim ownership of European integration projects. The sustainable success of the EU depends on the continuous deepening of integration efforts that were already underway at the beginning of its creation.

The national parliament in the EU and their involvement have evolved rapidly, especially since the ratification of the Maastricht Treaty. Even national parliaments have complained about their insufficient role in EC development and their continuing loss of competence. To have a meaningful influence on European legislation, parliamentarians must involve themselves in the pre-initiative stage.

Thus, most ideas on what constitutes appropriate involvement at the European level for national parliaments may have to be developed beyond the scrutiny of executive activities, considering that national parliaments are to legitimise European legislation in a meaningful way. The draft treaty significantly improved the visibility of national parliaments in the EU, but at the same time it has done little to clarify the position and role of national parliaments within the EU because, in some way, it denies them a direct voice at the European level and also does not lay down rules or minimum requirements for procedures at the national level.²⁸

National parliaments are almost without exception portrayed in the literature as reactive institutions because they have a modest influence on policy initiatives from the executive. When we discuss the so-called *deparliamentarisation* thesis, the development of European integration has led to the erosion of parliamentary control over executive holders. Therefore, powers previously under the jurisdiction of national legislatures have shifted upwards to the European level, which was done by national governments and legislatures, signalling that the benefits accruing to Member States from integration outweigh losses to national parliamentary sovereignty. In a political sense, neither domestic nor European parliaments are sovereign bodies under the control of European-level executive powers in the adoption of legislative acts at the EU level. Despite its increased role in the EU political system, the powers and legitimacy of the EP fall far short of full compensation for the loss of power in national parliaments.²⁹

Research on the impact of the EU on national politics has shown strong support in favour of the *deparliamentarisation* thesis. While some authors try to define which lessons can be learned from the transfer of powers from national states to the EU, citizens of Member States fear the loss of democratic control over the most important political issues.³⁰

Finally, with regard to parliamentary control in the EU, European integration is commonly understood to have two negative effects on legislative oversight. First, it

28 O'Brennan, Raunio (2007): p. 20.

29 Adam Cygan: National Parliaments within the EU Polity – No Longer Losers but Hardly Victorious, *ERA Forum*, 2012, pp. 517–533, pp. 518–519. Available online: <https://link.springer.com/article/10.1007/s12027-011-0233-9> (accessed on 4.12.2025).

30 Marta Zalewska, Oskar Josef Gstrein: National Parliaments and Their Role in European Integration: The EU's Democratic Deficit in Times of Economic Hardship and Political Insecurity, *Brugler Political Research Papers*, February 2013, p. 5. Available at: https://www.coleurope.eu/sites/default/files/research-paper/wp28_zalewskagstrein.pdf (accessed on 4.12.2025).

alters the constitutional basis of the policy-making process by transferring rule-making authority to a higher level of governance. As a result, national parliaments lose one of their most powerful instruments of executive control: legislative sovereignty. Second, European integration changes several features of how the policy-making process operates in practice, thereby weakening the recognition of national parliaments as actors in EU-level politics.³¹

National parliaments operate most efficiently at the national level; because of the emphasis on activity at the national level, it would be inappropriate for the European level to impose rules and standards on national parliaments. This leaves national parliaments with the problem of how they can individually place their mark on European legislation through their governments.³²

V. CONCLUSIONS

National parliaments have usually been described as latecomers to European integration, but there is little doubt that they have developed institutional means to become more involved over the last few years, especially since the *Lisbon Treaty* (2009). For the first time, this treaty introduced a separate article, rather than a protocol, covering the role of national parliaments in the EU, which emphasised the importance of their role and addressed the question of democratic legitimacy through further enhancement of the EP. The greater involvement of national parliaments in the activities of the EU is secured in different ways, and with Lisbon, they obtained the right to information, since EU institutions are obligated to forward all drafts of legislative acts of the Union and applications for accession to the EU.

The Lisbon Treaty also ensures the active participation of national parliaments within certain fields of decision-making processes at the EU level, for example, through involvement in the political monitoring of Europol, by adopting measures concerning the cross-border implications of family law (Art. 12 TEU, Art. 81 TFEU), or by taking part in the revision procedures of the Treaties (Art. 12, 48 TEU). The national parliament, thanks to the Lisbon Treaty, also obtained the right to express objections to policy proposals concerning treaty changes that are proposed under simplified procedures instead of normal ones. They also obtained the right to express objections to measures of judicial cooperation in civil law matters with cross-border implications. In such cases, their proposals must be forwarded to the national parliaments. The proposals are not adopted if national parliaments make their opposition known within six months of the date of such notification; this also means that objections can be voiced over the principle of subsidiarity. National parliaments play a formal role in the scrutiny of EU legislation, allowing them to issue reasoned opinions if they consider that a proposal breaches the

31 Thomas Winzen: Political Integration and National Parliaments in Europe, *Living Reviews in Democracy*, December 2010, pp. 1–14, p. 3. Available at: https://ethz.ch/content/dam/ethz/special-interest/gess/cis/cis-dam/CIS_DAM_2015/WorkingPapers/Living_Reviews_Democracy/Winzen.pdf (accessed on 4.12.2025).

32 Winzen (2010): p. 3.

principle of subsidiarity. If such violations have been detected, national parliaments may trigger two different procedures, widely known as *yellow card* (can be triggered if over one-third of national chambers or parliaments issue reasoned opinions) and *orange card* (apply to the ordinary legislative procedure and are drawn when at least a simple majority—more than half of the national parliaments—conclude that a legislative proposal does not comply with the principle of subsidiarity). These procedures have not been as effective as expected, and there are various proposals on how to improve the work of reasoned opinion procedures.

In summary, regarding the role of national parliaments in relation to the EU, there are four key activities of national parliaments: first, to scrutinise, influence, and hold their own governments accountable; second, to engage in dialogue with the EU institutions (especially the European Commission and the European Parliament); third, to conduct a subsidiarity check on EU legislative proposals (the reasoned opinion procedure); and fourth, to engage in inter-parliamentary cooperation.

In the end, looking to the future and better cooperation between national parliaments and the EU, some improvements could be made. First, further democratisation of the EU through stronger parliamentarisation, and second, an improvement could be achieved through the autonomous action of national parliaments as well as through actions collectively agreed between national parliaments, the Commission, the Council, and the European Parliament.