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National Parliaments of the New Member Countries in the EU – Adaptation of the Slovene National Assembly to the New Challenges*

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Summary

In the process of democratization, the national parliaments of Central and Eastern Europe first needed to adapt to the democratic norms and principles set by Western European countries and organizations. Before an individual state could enter the EU, the parliaments had to align the entirety of their national legislation with EU legal standards. Further, national parliaments had to incorporate the supranational decision-making models practiced in the EU. Each of the parliaments of the 2004 entrant countries has chosen different models of participation in the decision-making process at the EU. The Slovenian example shows that its National Assembly (*Državni zbor*), long an active participant in country's accession process, has chosen a model that secures it a relatively strong role in dealing with EU matters, similar to that of some Scandinavian parliaments. The National Assembly adopted an anticipatory examination of the EU draft legislation and put the main focus on the special Committee on EU Affairs. Statistical data shows that the Slovene parliament, during the last mandate (2004-2008) did not adequately use its full range of opportunities to become an active player in the process of formulating and passing legislation at the EU-level. The National Assembly further missed an opportunity to direct or influence the activities of government representatives at the EU-level. Thus, EU matters remained separate from the national context. On the basis of previous accession countries acclimation to the EU, it is possible to conclude that parliaments during their first mandates after the country's entry into the EU are not yet able to develop a parliamentary-EU dimension. These

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assumptions indicate a need to prepare some ‘recipes’ to mollify problems for future EU member states.

Key words: Europeanisation, EU, Slovenia, new member states, Slovene parliament, Scandinavian parliaments



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A. Introduction

As soon as the dust settled on the collapsed authoritarian regimes in Central and Eastern Europe, notably Poland, the Czech Republic, Hungary, Slovakia, and Slovenia, post-communist governments quickly began an intensive process of ‘Europeanization’ by accommodating to the parliamentary standards set by their Western neighbors. At the beginning of the 1990s, parliaments became the ‘central site’ in these newly created political systems (Agh, 1994:14). Each of the aforementioned states subsequently experienced a rapid consolidation process, adopting new constitutions, determining relations between the executive and parliament, and establishing electoral systems, etc. The nascent parliaments also renovated rules of procedure, internal structures, and parliamentary services, among other things. During this initial period, they also modernized entire systems of legislation and began the process of aligning with the legal rules and norms promulgated by the European Union (*acquis communautaire*). With regard to Olson’s four characteristics of democratic transition (or ‘the paths of change’), each of these budding democracies successfully addressed their constitutional make-up and party system, their internal structure and rules of procedure, the members and Parliament, and the interactions between different levels of government (Olson, 2008).

The second stage of parliamentary modernization and Europeanization began when each of these countries entered the European Union. Because of the particular nature of the EU as a supranational organization, where member countries are expected to sacrifice sovereign rights in favor of common policies, the power of national parliaments has dwindled. Matters which were traditionally handled by national parliaments are now decided within broader European institutions or by inter-governmental decision-making bodies made up of national executives, including the Council of Ministers and the European Council (Holzhacker, 2007: 143). Others argue, however,

that the legislative function of national parliaments has in a particular way expanded to the EU-level since these national institutions participate – albeit indirectly through their governments – in the preparation and passage of EU legal acts. Some of these have a direct effect on the national legal systems, while others must be implemented by national acts, transposing the directives into national legal order. This new function of national parliaments is significant because of the political sensitivity and technical complexity of the EU's decision-making procedure. Moreover, this new role of national parliaments helps to mitigate widespread criticism of the EU's expanding legislative powers. Holding the governments accountable for their activity in the EU decision-making process is considered to be politically and psychologically important and of great symbolic value (Dahl, 2001: 8).

The new EU member countries and their parliaments have responded to the challenges of EU membership much the same way their predecessors did. The democratic parliaments of Poland, the Czech Republic, Hungary, Slovakia and Slovenia amended their national constitutions in order to transfer aspects of their sovereignty to EU institutions. At the same time, these parliaments obligated their governments to keep them properly informed. Some also passed special acts on cooperation and adapted their rules of procedure¹, determined by the previous experiences of national parliaments in the EU (described also as a parliamentary working-style or nature of scrutiny process, etc.) (Maurer and Wessels, 2001: 449). The primary purpose of these laws and amendments sought to establish the general parameters of the scrutiny, i.e. the extent, form and way of scrutiny the parliament can perform over the government, which could be an ex-ante or ex-post examination of EU legislation. Adopting positions and scrutiny over the government is to be performed by special Committees on EU Affairs with the additional involvement of standing committees.² At the request of MPs, however, the plenary may also adopt positions and perform scrutiny. Still, the involvement of national parliament depends largely on a country's particular political culture, historical traditions, and recent experiences. These factors include the

¹ The EU member states have determined the relationship between the parliament and government by amending their constitutions – Austria (Article 23 e), Czech Republic (Article 10 b), Finland (Article 96 and 97), France (Article 88/4), Germany (Article 23), Hungary (Article 35 a), Slovenia (Article 3 a), Sweden (Article 2 and 6), etc. Like Germany and Hungary, Slovenia stipulated in its constitutional amendment that a special act on cooperation between the parliament and government would be prepared.

² Such specialized committees which are entitled to sift through EU documents were first established in Western European countries when dealing with the issues of European integration – in Germany as early as 1957. In the ECE countries they were established between 1992 (Hungary) and 1998 (Czech Republic), while in Slovenia the first Commission on European Affairs was established in 1996 and the first Committee on EU Affairs in 2004 (Rakušanova, 2003: 6; Zajc, 2004: 183).

process of gaining independent statehood and the level of economic development, etc. Slovenia has been in many ways experiencing the same process of Europeanization and political modernization as other ECE countries. Slovenia, however, diverges from the traditional path because it upholds the importance of collaboration between its National Assembly (Državni zbor) and the executive in matters pertaining to the EU, especially with regard to those involving levels of governmental scrutiny.

This paper will discuss why the actual roles of national parliaments in the EU, especially concerning their ability to scrutinize governmental bodies, are vital for (a) the legitimacy of the parliaments and (b) the development of a two-level democracy within the EU. Parliamentary scrutiny is the exercise of power by the parliament to control and influence the executive's behavior. This is especially important in circumstances when a government, participating in EU decision-making, acts as an agent of the parliament. The following analysis will improve our understanding of how the national parliaments of new entrant states have responded to the challenges of multi-level democracy and how the new organizational structures and procedures are implemented and developed. This paper will further examine the Slovenian Parliament and its level of involvement in EU affairs, as well as its efficiency on different levels, including the Committee on EU Matters (OZEU), other standing committees, and the plenary. Finally, this paper will analyze and outline the desired model of collaboration and scrutiny over the executive in the period following the country's admittance to the EU (2004-2008). We expect that the scientific and social significance of this research will demonstrate that national parliamentary control over EU decision-making is most important for a small member country situated in a competitive European environment.

B. The role of the Slovene National Assembly in the time of preaccession of Slovenia to the EU and in the process of decision-making at the EU level

Since the inception of Slovenia's constitution in 1991, the National Assembly³ has had a relatively strong position in the political framework of the country. The National Assembly controls both (separate) stages of government formation; ministers are appointed by the National Assembly after being recommended by the President. Prior to their appointment, the pro-

³ The Slovenian parliament is composed of two chambers – the National Assembly (Državni zbor) representing political interests on the basis of a proportional system, and the National Council (Državni svet), representing functional and territorial interests. This is not a typical second chamber and has no competence to deal with EU matters.

posed ministers must also appear before their respective committees and answer questions concerning their abilities. The National Assembly also has a strong role in terms of policy-making. According to the Law on Government, the National Assembly can discuss any matters it considers important, including those which are regularly dealt with by the executive. Because of the particular circumstances concerning the separation from the former Yugoslav Federation, the National Assembly has long considered matters of foreign affairs an important aspect of internal competency, even before Slovenia proclaimed its independence. The National Assembly was the main body of government where basic consensus was reached on the topic of EU membership. All decisions concerning Slovenian accession to the EU were confronted via open and democratic discourse. The National Assembly was the only parliament in the latest round of EU accession where all the negotiating positions of the government were presented and discussed in the relevant standing committees. The knowledge ascertained by these committees in terms of aligning Slovenian legislation with the *acquis communautaire* made for the relatively smooth passage of a number of EU laws.⁴ The intensive pre-accession activity strengthened the argument that the National Assembly must continue to have a strong role in dealing with EU matters. Also central to pre-accession activity was the 2002 adoption of a completely new Rules of Procedure, which modernized the legislative process on the basis of rationality and economy of time (because of the lethargic nature of the EU's legislative process, the European Commission has advised renovating its procedures based on Slovenia's example).

The legal and institutional adaptation of the National Assembly to its new role in the EU continued into the next decade with the March 2003 introduction of Article 3 to the Slovenian Constitution. The article stipulates that the executive of the Republic of Slovenia (RS) must keep the National Assembly abreast of legal acts and decisions made in EU institutions that transmit sovereignty away from the national body. In turn, the National Assembly may re-formulate the positions of the Republic of Slovenia on all matters which would have been under its jurisdiction. Pursuant to Article 3, a special Act on Cooperation between the National Assembly and the Government on EU Affairs passed in March 2004 that preserved this right of the National Assembly. Further, the Act of Cooperation allowed the National Assembly to participate in the decision-making process at the EU-level through the executive.⁵ This act, based on models previously implemented by the parliaments of Finland and Sweden (1995 EU entrants), requires the

⁴ In the period between 1998 and 2004 the National Assembly passed in its regular or fast track procedures 319 'EU laws', bringing extensive changes to the Slovenian legal order and influencing the lives of ordinary citizens (Zaje, 2004: 192).

⁵ Official Gazette of the RS, No. 34/2004.

government to do the following: (1) inform the National Assembly about the main solutions and objectives of an EU draft act and the procedure for its adoption; (2) forward to the National Assembly an assessment of the possible impact of an act on Slovenia; (3) allow the National Assembly to discuss and amend draft positions submitted by the executive, or at least express its intention to discuss it within the time limits required by the EU (should the National Assembly not react, the proposal becomes the formal Slovenian position); (4) put these positions into force when it participates in the negotiation processes within EU institutions; (5) inform the National Assembly when the government considers that national positions cannot be put into force properly or their enforcement would no longer be in the interests of Slovenia.

The Act further stresses the ‘helicopter position’ of a special Committee on EU Affairs (OZEU), first established in May 2004 (and later re-established after elections in November 2004), with regard to other standing committees. OZEU has a unique and vital role in that it regularly adopts the positions of the Republic of Slovenia on all EU matters. The only exception is the Committee on Foreign Policy, which deals with matters related to foreign and security policy. The committees discuss and decide on EU issues at closed-door meetings. On the request of one-quarter of Slovenian MPs, the Committee on EU Affairs, or the Council of the Speaker, the National Assembly may put any EU matter on its agenda and express an opinion or position. At least once a year the National Assembly holds a debate on the state of EU affairs and on the position of Slovenia therein, on the basis of an introductory presentation given by the prime minister. The government is also required to follow general directions for the activity of government representatives determined in the National Assembly’s yearly resolutions.

The legal and institutional adaptation of the Slovene National Assembly to its new role was completed following the ratification of the Rules of Procedure in May 2004 (Articles 154a through 154m). These rules allowed the National Assembly to adjust its internal organization and make the procedure for dealing with EU matters more stable and efficient.⁶ The provisions concerning these procedures determine in detail the stages and manner of carrying out relevant activities, including the discussion of EU matters which would be in the competence of the National Assembly if part of the sovereign rights were not transferred (‘U’ matters), reports of the government on its past or intended activity and on decisions taken by EU institutions (‘S’ matters), and other issues in the competence of the government which may be discussed in the National Assembly (‘E’ matters). These most detailed provisions have undoubtedly increased the ‘institutional capacity’ of

⁶ Official Gazette of the RS, No. 60/2004.

the National Assembly. Most significantly, they mitigate reactive behavior. The National Assembly has the necessary instruments to act autonomously, clearing the corridors through the government to the EU institutions. In addition, new rules and special instructions were created to determine the tasks of individual actors, including staff officers, chairs of deputy groups, and the Council of the Speaker, in matters pertaining to the EU.

The provisions determined in the Constitution, the Act on Cooperation, and amendments to the Rules of Procedure ensure the National Assembly a relatively strong role in dealing with EU matters vis-à-vis the government. The continuous ex-ante collaboration with the government at all stages of the legislative procedure regarding EU matters and the constant engagement of the Committee on EU Affairs and other standing committees, typical of the more developed European parliaments, account for the National Assembly's strengthened position (Maurer and Wessels, 2001: 449).

Nevertheless, the National Assembly's execution of responsibilities ascribed by its new role has been no easy task and could hardly be realized in the short period of time following accession to the EU (mandate 2004–2008). For this period we will examine how various EU matters have been handled in the Committee on EU Affairs (Odbor za zadeve EU – OZEU), in other standing committees, and at plenary sessions. Here it is imperative to analyze the differences between the institutional model and the how EU matters actually unfold in practice.

a) The First Level – Dealing with the EU Matters by the Committee on EU Affairs (OZEU)

The first Committee on EU Affairs (OZEU) was established in May 2004, following the dismissal of the former Commission for European Affairs. With only a few months before the mandate ended, the committee held eight meetings to discuss the activity and composition of Slovenian government representatives in the Council of Ministers. During this period, the committee did not discuss any 'U' matters delivered by the government. All the while, the government was in the process of reorganizing its resources and attempting to overcome the initial embarrassment caused by some early accession activities.

The Second Committee on EU Affairs, established at the beginning of the fourth mandate of the National Assembly in November 2004, was much more efficient. During the four year mandate (2004–2008) the committee held 177 regular weekly meetings where it discussed 128 'U' matters, supplemented by an evaluation of goals and assessments of the impact of EU acts on national legislation. In almost all cases, the Committee supported the position prepared by the government. The Committee also discussed pro-

posed starting-points for the participation of Slovenian representatives at the sessions of the Council of Ministers ('S' matters). A number of other issues were also on its agenda, including the previous government's proposal for Slovenia to chair the EU in 2008 (Krašovec, 2005: 7). By giving its consent to the proposal, later adopted by the National Assembly, the Committee enhanced the role of the legislative branch relative to the executive. This particular committee was also the first to discuss a number of other relevant EU materials, including the drafts of the Declarations on Directions for the Activity of the RS in EU Institutions in each of the following years (2005-2008) and positions regarding Bulgarian and Romanian accession to the EU. Further, the Committee prepared the National Assembly's policies and strategies for the meeting of national parliaments on the Lisbon Strategy, and organized a number of public hearings, etc.

A number of hurdles stymied the Committee on EU Affairs' ability to function during the first four years. At the regular closed-door sessions, new and inexperienced Committee members had difficulty grasping some of the more extensive (though often incomplete) EU materials and draft acts. Members also had to adapt to the demanding legislative procedures at the EU-level and the fixed time limits imposed by external bodies. The Committee, though slow to develop proper working methods and procedures, did succeed in establishing relatively good relations with the government. Committee members were also able to learn from the mistakes and experiences of the previous Committee and the Commission for European Affairs (established during EU membership negotiations). In fact, the Committee maintained the same procedure used by the Commission with regard to itemizing issues, and taking into account the priorities of countries presiding over the EU (Krašovec, 2006: 5). By having access to the government's database, the Committee had a clearer picture of the number of EU drafts, the stages of procedure they were passing through, and the final acts which needed to be transposed to the national legal system. To increase the efficiency of the Committee on EU Affairs, parliamentary services prepared a special database, 'Zadeve EU' (EU Matters), containing additional information.

The statistical data presented in Table 1 reveal that significant adjustments were made by the Committee in terms of how it handled EU matters, as well as the overall functioning ability of the Committee following Slovenian accession to the EU. During the National Assembly's third mandate (2001-2004), the previous Commission on European Affairs (KEZ) held 44 meetings, lasting a total of 65 hours. In contrast, the meetings held by the standing committees lasted much longer. Compared to the total time spent by committees at meetings during this mandate (2,713 hours), the KEZ and the first Committee together spent only 81 hours, or 2.9% of its working time. The new Committee, established at the beginning of the fourth man-

date, held 248 hours of meetings, becoming the third most active working government body (the Committee on Domestic Policy, Public Administration and Judiciary convened 281 hours of meetings and the Commission for the Control over the Budget, 282 hours). Of the total 3,149 hours worked by all committees and commissions, the new Committee on EU Affairs spent 248 hours or 8%.

Table 1: Dealing with EU Matters at the Meetings of the Committee on EU Affairs (12 May 2004 – 18 July 2008)

Working bodies	EU Matters - submitted, discussed							
	Year	'U'		'E'		All EU		
		Sub- mit- ted	Dis- cussed	Dis- cussed	Dis- cussed	Matters discussed together	No. of meetings	Time spent (in h)
- Commission on Eur. Affairs – KEZ (27 March 2001 until 12 May 2004)		-	-	-	-	44		(65.3)
- Committee on EU Affairs - OZEU, establ. on 12 May 2004	2004	0	0	0	0	8	28	(15.3)
- Committee on EU Affairs - OZEU, establ. on 17 Nov. 2004	2004/05	40	39	-	57	96	52	(84.3)
	2006	32	20	6	68	94	46	(54.5)
	2007	55	32	16	62	110	48	(70.0)
	2008	42	37	8	37	82	31	(39.1)
Altogether	2004/08	169	128	30	224	382	117	(248.4)

Sources: Report on the Work of the National Assembly of Slovenia in the Period 2000-2004, and Report on the Work of the National Assembly of Slovenia in the Period 2004-2008.

Over time, the Committee on EU Affairs began to function in accordance with the Act on Cooperation between the National Assembly and the Government on EU Affairs. The Committee quickly became the main actor in dealing with EU matters within the National Assembly, taking over the 'helicopter position' previously relegated to other standing committees and controlling the flow of EU matters. The Committee has discussed and decided on a number of the draft positions submitted by the government ('U' matters) and formulated starting points for the participation of Slovenian representatives at meetings of the Council of Ministers ('S' matters). The Committee's role, however, remained fairly limited regarding the influence it could exert on the government. According to the data, the Committee amended only 9.5% of the discussed 'U' matters. On the proposed 'S' mat-

ters, it amended just 14.3% of them, usually in the form of adding opinions, stressing the importance of particular solutions, or instructing government representatives to make greater efforts to put into force the positions of the RS.

Few critical remarks were made by the RS regarding proposed EU legal acts. Further, nearly all of proposed policies were confirmed. The activity of the Committee during the period immediately following Slovenia's entrance in the EU was generally considered to be supportive. It was careful not to overcrowd the legislative agenda with other matters it deemed important. The Committee acted swiftly and innovatively on the key piece of legislation submitted by the government, the proposal on the Declarations of the Activity of the RS in the Institutions of the EU. In March 2005, the Committee proposed 19 amendments to the 2005 Declaration, which were later passed at the plenary session. In March 2006 it formulated 21 amendments to the proposed Declaration for that year and five more the following year. All of these amendments, many of which stressed the particular interests of Slovenia with regard to EU membership, were considered practical and accommodating (Krašovec, 2006: 7).

b) The Second Level – Dealing With EU Matters by the Standing Committees

Aside from the Committee on EU Affairs, the specialized standing committees have played an important role in terms of itemizing and preparing the RS's position on EU matters. One of their key responsibilities is to discuss and formulate opinion on EU issues. Their positions are then considered by the Committee on EU Affairs and may be incorporated into the RS's official EU positions ('U' matters). Standing committees may also discuss the starting-points for the participation of government representatives in these institutions ('S' matters) or any other EU matter which may be in the interest of the National Assembly or proposed by the government ('E' matters).

The analyzed data, however, does not confirm any substantial involvement of the standing committees covering special areas of EU legislation and policy-making. Further, their activity with regard to EU matters has done little to improve the Committee on EU Affairs' ability to function, or contributed to strengthening the role of the National Assembly. As the data reveals, the standing committees simply did not utilize the extent of their powers outlined in the Act on Cooperation and the Rules of Procedure. The standing committees rarely put EU matters on their agenda (Table 2). They, however, have been more active in dealing with the RS's positions on EU matters referred by the government. These policy positions, including the Declarations for the Activity of Slovenia in EU Institutions (2005- 2008),

were later discussed at the plenary. Others contributed to the discussions between the Commission to the Council of Ministers and the European Parliament on the realization of the Lisbon Strategy and prepared appropriate amendments (Krašovec, 2006: 286).

Some standing committees were much more ambitious and active than others. The thirteen standing committees and one commission discussed a total of 110 ‘U’ matters, a paltry figure compared to the OZEU. EU issues were more often discussed by the Committee on Domestic Policy, Public Administration and Justice (19), the Committee on Transport (15), the Committee on Foreign Policy (14) and the Committee on Health (11).

Table 2: Dealing with EU Matters at the Meetings of Working Bodies (November 2004 – July 2008)

Committees, Commission	‘U’ Matters Submitted	‘U’ Matters Discussed	‘E’ Matters Discussed	‘S’ Matters Discussed	All EU Matters Discussed	No. Meetings with EU Matters
Com. on Economy	38	8	4	4	16	12
Com. on Transport	39	15	-	2	17	11
Com. on Environ. and Spatial Planning	13	8	-	2	10	8
Com. on Agriculture, Forestry and Food	9	4	-	1	5	8
Com. on Finance and Monetary Policy	27	6	2	4	12	10
Com. on Domestic Policy, Public Admin and Justice	20	19	-	2	21	15
Com. on Local Self- Government and Reg. Development	5	5	-	1	6	4
Com. on Defense	3	5	-	2	7	4
Com. on Health	17	11	1	3	15	12
Com. on Labor, Family, Social Affairs and the Disabled	4	5	-	1	6	5
Com. on Culture, Educat. and Sport	7	5	-	1	6	1
Com. on Higher Educa- tion, Science and Techn. Development	6	4	-	2	6	3
Commission for Budget- ary and Other Public Fi- nance Control	2	1	-	3	4	3
Com. on Foreign Policy	14	14	-	37	51	46
Altogether	204	110	7	65	182	142

Source: Report on the Activity of the National Assembly in the 2004 -2008 Period (pp.15-18).

The more ambitious working bodies have helped shape a number of positions taken by the RS, led discussions in the OZEU and at the plenary, and monitored the government's activity within EU institutions. Their contribution, however, was rather limited in this period and did not meet expectations given the full range of responsibilities outlined in the normative acts. This may be explained in part by the larger turnover of MPs. Furthermore, many of the MPs that were re-elected lacked experience in the standing committees. Problems may also be attributed to the fact that EU matters are increasing in complexity, demanding more attention and specialized knowledge of EU policies (i.e., more time is needed to study materials, organize meetings, and receive sufficient information and support from staff members, etc.). As well, the imposed time constraints for expressing an opinion or creating an amendment may be limited. Adequate working methods also take time to develop and streamline. Finally, since the last round of enlargement, EU legislative activity has not been extensive for a variety of reasons. One can only speculate on how efficient the Committee on EU Affairs and standing committees would have been had legislative procedures been more intensive and demanding.

c) The Third Level – Dealing with EU Matters at Plenary Sessions

Since its inception, the plenary has made EU matters a priority of its agenda. During the first half of the 1990s, the National Assembly decided on a number of important Slovenia-EU issues, including the first amendment made to the Slovenian Constitution in 1996. Between 1998 and 2004, the National Assembly also passed an impressive number of 'EU laws.' In the final year before accession, the Slovenian parliament practically functioned as an EU member country. The National Assembly also cleared a path for the Slovenian Constitution to transfer part of its sovereign rights to the EU (in August 2001) and enacted a new Rules of Procedure (in April 2002), which were again amended in 2004. One of the most important and hard-fought debates settled during this time concerned the Act on Cooperation between the National Assembly and the Government in December 2003 (first reading), in February 2004 (second reading) and in March 2004 (third reading).

The Act on Cooperation between the National Assembly and the Government, determined the plenary's responsibilities regarding EU matters. Their primary responsibility is to hold annual discussions on the directives set by Slovenian representatives in EU institutions. Such discussions focus on the government's proposed declarations of directives. The National Assembly is therefore able to express its expectations and give instructions on future activity based on past evaluations. The National Assembly may also put on the plenary's agenda matters regarding new EU accession countries as well as

any other EU issue proposed by deputies, the Committee on the EU Affairs, or the Council of the Speaker.

The combination of experience gained during EU accession meetings and the competencies outlined in the aforementioned act gave the National Assembly a fresh start. Perhaps most important, protocols and routines were developed. The National Assembly, however, has yet to take advantage of the full range of opportunities provided by other normative acts and rules. It could still strengthen its role relative to the executive and direct the activity of Slovenian representatives in EU institutions. Discussions on the Declarations of the Position Regarding the Beginning of the Activity of Slovenia in EU Institutions in 2004, and the Declaration on the Directions for the Activity of Slovenia in EU Institutions for 2005, 2006, 2007 and 2008 were hardly polemic or controversial. Excluding issues involving Slovenia's relationship with the Western Balkans, the absorption of EU structural funds resources, and the Slovenian presidency of the EU, most of the discussions were stale and lacked a proper assessment of past experiences. Discussions on the most important questions regarding Slovenian contributions to EU policy-making and respective government oversight lasted a mere 36 hours of floor debate over the course of four years. Individual deputies and parliamentary groups did not use all of the time allotted despite the fact that the OZEU and other committees prepared a number of amendments to the four Declarations (32). During this first period, the National Assembly also did not put any other EU issue on its agenda, let alone take a position on one. Only rarely did the Slovene National Assembly discuss related issues in its plenary. Out of 80 regular and irregular sessions during the fourth mandate, only 11 had any such matters on the agenda. While the National Assembly spent a total of 1,946 hours on plenary sessions, only 36 hours (1.8%) were dedicated to EU issues. The National Assembly, however, did manage to retain its right to discuss EU matters at least in a 'minimal' way, i.e. to have a regular general debate on the Declarations on the Directives for the Activity of the RS in the EU.

Taking into account the time given to discuss various EU matters in the plenary, the National Assembly hardly fulfilled its duty to inform citizens about the EU's function and policy-making apparatus. The National Assembly did little to convey to citizens that much of its national matters are now under the direction of the EU, and the influence EU policies have on national decision-making. As a result, the majority of citizens did not actively participate in public debates on EU issues, including the role the National Assembly should play in the EU's decision-making process and the February 2005 ratification of a European Constitution. These public debates discussed the effects on civil society within the future alignment of the EU, simplified complex language and procedures of national parliaments, and aimed to reduce criticism of the EU's so-called 'democratic deficit.'

Table 3: Dealing with EU Matters at the Plenary Sessions (May 12, 2004 – July 19, 2008)

No. of Plenary Sessions – Acts session	Announced/used time in hours	%
Mandate 2000 – 2004		
45th Extraordinary Session, 12 May 2004 :		
– Declaration on Positions regarding the Beginning of the Activity of RS in EU Institutions in 2004 and Priority Tasks of Slovenia in the EU Council in 2004 (EPA 1268-III)	5.15/3.39	70
– Amendments to the Rules of Procedure (EPA 1273-III)	0.50/0.38	77
– Establishment of the OZEU (EPA 1112 – III)	4.23/2.21	54
Mandate 2004 – 2008		
2nd Extraordinary session, 17 November 2004:		
– Establishment of the OZEU and Committee on Foreign Policy (EPA 28-IV)	3.40/2.30	68
– Proposal of the Position on Slovenia's Presidency of the EU (EPA 31-IV)	5.05/2.25	48
6th Extraordinary session, 1 February 2005:		
– Act on the Ratification of the Constitution on Europe (EPA 84-IV)	4.38/3.13	70
4th Regular session 29 March 2005:		
– Declaration on the Directives for the Activity of the RS in EU Institutions in 2005 and Priority Tasks of Slovenia in the EU Council in 2005 (EPA 109-IV, U 1 and EPA 110-IV, U 2)	5.50/3.42	64
8th Extraordinary session, 22 April 2005:		
– Position on the Accession of Bulgaria in Romania to the EU and on the Signing of the Contract on the Accession to EU (EPA 204 – IV)	1.46/1.03	60
9th Extraordinary session, 26 September 2005:		
– Act on Ratification of the Contract on the Acc. of Bulgaria and Romania to EU and the Signing of the Contract (EPA 443-IV)	* / 0.13	*
15th Regular session, March 28, 2006:		
– Declaration on the Directives for the Activity of the RS in EU Institutions in 2006 with the Report on the Situation in the EU and the position of Slovenia in it in 2005 (EPA 701-IV, U 46)	4.15/3.46	89
26th Regular session, March 27, 2007:		
– Declaration on the Directives for Activity of the RS in EU Institutions in the period 2007 – June 2008	5.55/4.50	81
29th Extraordinary session, October 12, 2007:		
– Position of the RS with Regard to the Draft Contract, changing the Contract on the EU and Contract on the Establ. of the EC	4.45/3.45	77
31 th Extraordinary session, December 20, 2007:		
– Program of the Slovene Presidency	* / 1.30	*
35th Regular session, January 29, 2008:		
– Act on the Ratification of the 'Lisbon Treaty'	4.10/3.29	80
39th Extraordinary session, July 17, 2008:		
– Report on the Presidency of the EU Council from January 2008 – June 30 2008 with the Conclusions of the EU Council taken on June 19 and 20, 2008	5.29/3.30	63
– Declaration on the Directive for the Activity of RS in EU Institutions in the period July 2008 – December 2009	3.10/2.20	71
Total time spent on plenary sessions in the mandate 2004-2008	48.34/36.08	74

* No announced time for discussion and ratification of the acts.

Source: 'Seje Državnega zbora RS' (Sessions of the National Assembly of RS) database.

Extraordinary circumstances, combined with both internal and external factors, limited the plenary's ability to discuss EU matters. At the end of the National Assembly's third term, European Parliamentary elections attracted much of the MP's attention. In autumn 2004, most MP's were preoccupied with their own campaigns for reelection to the National Assembly, where EU issues were not a top priority. Coalition-building and the formation of a government following the October elections further postponed EU matters. In 2005, the National Assembly became a fierce battleground between the new coalition and the opposition. The debates frequently took the form of fervent ideological struggles and, in effect, put aside other important questions of national interest. During the entire mandate, tensions between the coalition and the opposition remained high, leaving most EU issues unresolved. Fortunately, the EU's bout of enlargement fatigue diminished its own legislative activity during this period. On the whole, however, these conditions did much to stifle progress on EU matters.

d) Role of the National Assembly during the presidency of Slovenia of the EU (first half of 2008)

Holding the Rotating Presidency of the EU is an enormous task given the complexity of the organization's institutional design and diversity of issues. Slovenia, the first ECE country to hold the office, prepared endlessly in the months leading up to its rotation.

Though the Presidency of the EU Council falls under the directive of the executive, national parliaments historically have taken an active role in the process. At a minimum, they help legitimize EU institutional policy and often host inter-parliamentary meetings. The Slovenian National Assembly was (at least) formally well-integrated into the project and had various degrees of success and participation during the six month-tenure. Relations between the executive and parliament were built over the previous years on the basis of partnership. The government continuously informed the National Assembly on the course of preparations and created various documents and positions to be put on its agenda. On its own initiative, the National Assembly had taken positions on the goals and tasks issued by the Slovene Presidency and helped direct certain priorities. Following the 2004 parliamentary elections, the new National Assembly enacted the Position on the Presidency of Slovenia. In March 2005, the National Assembly began an extensive debate on the Declaration for 2005 on the Priority Tasks for the Activity in the Council of EU. When preparations for the Rotating Presidency intensified in 2006, the executive largely shut the National Assembly out of the process. Between January 2007 and June 2008, the Slovene Presidency essentially worked in collaboration with the governments of Portugal and Germany (the two countries to hold the esteemed office prior to Slovenia), beginning with

the Survey of Inherited Agenda. In February 2007, the National Assembly did manage to adopt the Declaration for the Activity of the RS in EU Institutions from January 2007 to June 2008 after an intense, months-long debate on the National Assembly's EU responsibilities.

The National Assembly held a number of parliamentary committee meetings with other EU member states while Slovenia held the Rotating Presidency.⁷ These meetings were an opportunity for an exchange of views and opinions regarding the future of the EU. Moreover, the meetings highlighted ways national parliaments could more actively contribute to positions prepared by the executive branches. The COSAC, Secretaries General, and the Speakers of National Parliaments held similar conferences. Extensive broadcasting and TV reports from inter-parliamentary meetings and other events during the Slovene presidency of the EU improved the National Assembly's educational function and raised public interest on general EU matters. At the end of the six-month term, the National Assembly evaluated the Report on the Presidency of the EU Council. Coalition and opposition parliamentarians both agreed that the report was satisfactory, and used the occasion to debate the role of the National Assembly regarding EU matters. As well, they criticized the executive's poor communication with parliament during the time of the presidency.

C. Conclusion

Prior to democratizing and modernizing their parliamentary institutions, Central and Eastern European countries first had to adapt to Western organizational, functional, and decision-making norms. Later, national parliaments revamped legislation and aligned it with EU legal standards. They also adapted to decision-making models used in the EU's supranational institutions, which were designed to foster cooperation and mitigate risks associated with independent policy-making (Rommetvedt, Langhelle, Zajc, 2005: 2). While some of their formal powers were reduced, the national parliaments kept the door open to actively participate in EU matters.

In adapting to the EU environment, the ECE parliaments (following the lead of other previously new member states) undoubtedly accelerated their own internal modernization. The adjusted paths of development added pertinent rules, structures and ways of functioning, which in turn created space for them to participate in the European Union's decision-making process.

⁷ Meetings of the parliamentary Committees on the EU Matters, Committees on Foreign Policy, Committees on Defence, on Economy, Committees on Environment and Spatial Planning, Committees on Agriculture and Forestry and Food, Committees on Culture, Education and Sport.

Constitution amendments, the passage of special acts on cooperation between parliament and the executive, and the adoption of new Rules of Procedure made this possible. Slovenia's National Assembly, as an example, shows that realized ambition can not only transform a parliament into a modern representative body on par with its Western neighbors, but also increase its capacity to take part in EU matters. Slovenia's parliamentary working-style and role are most similar to Sweden and Finland's respective representative bodies, as well as the German Bundestag. Each of these countries have adopted the anticipatory examination of EU draft legislation and put primary focus on a special EU Committee that works in conjunction with other specialized standing committees. Slovenia's National Assembly also plays a stronger role than some other parliaments of 'old' and 'new' EU member states alike.

Statistical and other data demonstrate that the Slovene National Assembly has yet to fully utilize all of its available resources to participate in the formulation and passage of legislation at the EU-level. During the four years following Slovenia's accession to the EU, the Committee on EU Affairs handled almost the entire weight of the supranational organization's issues. The standing committees' attention to EU matters often fluctuated; issues showed up haphazardly on their agendas. Almost all of the draft positions submitted by the Slovenian government were confirmed and only a small number were amended with proposals, comments, suggestions, etc. Moreover, the plenary of the National Assembly has not been used to hold extensive, in-depth discussions on EU issues, with the exception of the Declarations on the Directions for the Activity of the RS in the EU Institutions. According to the statistical data used in our analysis, committee members rarely used all of the time allotted for issues. The National Assembly also did not include on its agenda any other EU matter on its own initiative or on the basis of a proposal by the government. This evidence shows that in this first period of functioning as the parliament of an EU member country, the National Assembly actually missed an opportunity to actively direct the activity of government representatives on the EU-level. The National Assembly became more active only during the six-month period of the Slovene Presidency of the EU. At this time, it organized various inter-parliamentary committee meetings and a series of public events. Thus, EU matters remained separated from national issues and the citizens' understanding of EU institutions and policy-making was largely neglected.

As mentioned above, these deficiencies and deviations can be in part explained by particular circumstances at the national and EU-level. The whole of the EU was far less active in 2004 because of changes made to parliamentary election system. As well, Slovenia's fiercely divided parliament was battling with inertia, which limited its ability to deal with EU matters. The Slovenian Presidency's communication with parliament was also fre-

quently irregular; positions and documents were often provided at the last minute, etc. Yet the most important reason for the National Assembly's inability to grapple with EU items remains the MP's still low-level of knowledge about the organization, and a general lack of motivation. The MPs have done little to increase the understanding of the importance of EU matters within the electorate. Similar to the parliaments of other new entrant countries, the Slovene National Assembly has also been suffering from a lack of precedent cases. Nevertheless, the number of meetings and the number of discussed 'U' and other matters in the Committee on EU Affairs and in other committees (including the total time spent on these meetings and plenary sessions advising the Directives for the Activity of the RS in EU Institutions) prove that the National Assembly's dealing with EU issues was rational, yet far too minimal.

The above-mentioned analysis related to the Slovene National Assembly raises a number of questions relevant to further research. Among these include the institutional capacity of national parliaments, especially as it relates to cooperating with the executive in preparing national positions and negotiations at the EU-level. What new ideas exist that can make this process more interconnected, less formal and more rational? Another intriguing question is how to further develop the cultural capacity of parliamentarians, PPGs, committees, parliamentary services and other leaders. In other words, how do you increase knowledge on complex EU policies and decision-making procedures, while simultaneously enhancing their motivation to deal with EU matters? Another poignant question is how parliaments can best develop their own strategy for the advancement of ideas and proposals via the executive and EU institutions. One possibility may be to form closer working relationships with other national parliaments. And finally, one should not forget that a national parliament is essentially a window for the people and must establish closer links with the electorate. Not surprisingly, these same questions could be asked about the parliaments' relationships with academic and other independent research centers.

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