

## **NICE WORDS WITH NO PRACTICAL RELEVANCE CONTROL OF EUROPEAN AFFAIRS IN THE HUNGARIAN PARLIAMENT**

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## 1. NICE WORDS: THE LEGAL FRAMEWORK

### 1.1 GENERAL CONSTITUTIONAL STATUS OF PARLIAMENT

During socialism, the Hungarian state organization was strictly hierarchical, the apex of which was the Parliament. The Presidial Council (or presidium), however, was substituting for the Parliament when it was not sitting. The substitution included all the powers except for the constitution making power, which remained with the Parliament. Statutes could be amended by Law Decrees of the Presidial Council; these had to be shown afterwards to the Parliament which could quash them (which never happened in practice). The members of the Presidial Council came from the Parliament.<sup>1</sup> In practice, the real power lied with the Presidial Council (and informally with the state party, of course) as the Parliament was mostly sitting only twice a year: once at the end of the year to approve the budget for the next year, and once at the beginning of the year to approve the report on last year's budget. Rarely, it made laws on some exceptionally important issues (Civil Code, Criminal Code), but even on these occasions there was no real debate as there was no real opposition either.

With the regime change in 1990, Hungary became a parliamentary system, the centre of political life and debates returned to the Parliament (esp. in the beginning years of the democratic regime). The directly elected unicameral legislature called the Parliament (or literally: National Assembly, *Országgyűlés*) has the power to remove the Government (*kormány*). The German type of constructive vote of no-confidence is used, according to which Parliament can overthrow the Government by a simple majority of all MPs but only if they also name the new PM. Individual ministers cannot be removed by the Parliament, only by the PM. Ministers are usually MPs, but not necessarily.

The Parliament has the usual control competences over the Government: it can require information on any matter falling under the Government's competences (with the option of a subsequent debate and of voting on whether to accept the

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<sup>1</sup> The Presidial Council was considered also to be a collective head of state having the usual powers of heads of state (grace, international relations etc.).

respective minister's answer<sup>2</sup>); and it also can set up special enquiry committees.

## **1.2 SPECIAL PARLIAMENTARY COMPETENCES IN EU MATTERS IN THE CONSTITUTION**

Art. 2/A(2) of the Const. provides that the founding treaties of the EU (and their subsequent modifications) can be ratified only by a two-thirds majority of all MPs, which is basically the constitution amending majority either.<sup>3</sup> Art. 35/A(1) refers to another legislative competence: the Parliament shall make a law by a two-thirds majority (of the MPs present) on the relationship between the Parliament and the Government (control, information).<sup>4</sup> Art. 35/A(2) repeats what was laid down in the *Protocol to the Amsterdam Treaty on the role of the national parliaments in the European Union* on the duties of national governments to forward EU documents to national parliaments.

## **1.3 ACT LIII. OF 2004 ON THE COOPERATION OF THE PARLIAMENT AND THE GOVERNMENT IN EUROPEAN UNION AFFAIRS**

The Act lays down that it does not affect other parliamentary competences which can be exercised also in EU matters notwithstanding the provisions of this Act. As a main rule the new special competences are exercised by the parliamentary standing committee dealing with European Union affairs.

Without the necessary *information*, any control would prove to be impossible. For this reason, a considerable part of the Act concentrates on different rights of the Parliament to be informed by the Government. The Government has to send all draft legislation, proposals and documents on the agenda of the institutions

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<sup>2</sup> In case of a refusal, the question will be dealt in a special procedure with by one of a Standing Committees which might uphold the refusal and propose further measures. s. 117(4) Standing Orders.

<sup>3</sup> Pál SONNEVEND, *Offene Staatlichkeit: Ungarn*, in: Armin VON BOGDANDY – Pedro CRUZ VILLALÓN – Peter M. HUBER (ed.), *Ius Publicum Europaeum*, C.F. Müller 2007, vol. II. pp. 379-402.

<sup>4</sup> Act LIII. of 2004 on the cooperation of the Parliament and the Government in European Union affairs. Modified by Act CXXXIX. of 2007.

of the European Union operating with governmental participation, immediately after receipt to the Parliament. The Government also has to send any other clearly specified document if and when requested by the Parliament.<sup>5</sup>

To prevent an information overflow the Government always has to point out the matters which are of “extraordinary importance” for Hungary. The concept of “extraordinary importance” remains, however, undefined by the Act, and stays so within the discretion of the Government. It obviously impedes parliamentary control, but one also has to see the difficulty to give a workable definition for such a concept. As a compromise for this dilemma, the Act obliges the Government to explain why the matter is of “extraordinary importance” for the country. The Government also has to attach a note to the documents, if these (in case the EU approves them) would concern parliamentary competences, esp. if either simple majority or two-thirds majority Acts should be modified or if fundamental rights are affected. The note has to contain an explanation why the EU document concerns parliamentary competences.

The Parliament can request information on the position that the Government is going to represent in the EU institutions, but also the Government can send these to the Parliament without any request of the latter. The paper on the Government position includes a summary of the draft of the European Union, the EU decision-making process, the EU time schedule (planned dates of debates and adoption), the actual Government position and reasons for it, further the necessary Hungarian law-making measures after the adoption of the EU measure.<sup>6</sup> In case the Parliament requests so, the Government has to submit an extended version of the former document. This extended version also contains a list of EU and Hungarian legal norms affected by the planned EU measure, the social and economic effects on Hungary and the (known) positions of other MSs and EU institutions. All these documents should be sent to the Parliament in due time enabling the Parliament to have an influence on

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<sup>5</sup> For more detail on this see Agneta KOVÁCS / Gergely SZABÓ, *The activities of the Hungarian National Assembly regarding European affairs. Special focus on the scrutiny procedure*, Hung. Nat. Ass. 2006; Klára SZALAY, *Scrutiny of EU Affairs in the National Parliaments of the New Member States – Comparative Analysis*, Hungarian National Assembly 2005.

<sup>6</sup> These documents are secret and the respective sessions of the parliamentary standing committee are closed. See s. 134A(3) Standing Orders of the Parliament.

the Government's position.<sup>7</sup> After having received all this information, the Parliament can decide to initiate a so called consultation procedure. This procedure can be initiated by the Government itself either.<sup>8</sup>

The main point of the *consultation procedure* is that the Parliament (in practice: its EU Standing Committee) can adopt a non-binding standpoint in EU matters.<sup>9</sup> The Government has the duty to “consider” it when acting in the EU institutions, and in case it was a matter of two-thirds majority parliamentary competence, then the Government can deviate from it only “in justified cases”. No substantive definition is given for the latter concept. In the parliamentary standpoint the Parliament indicates the view-points that it considers necessary to enforce in the decision-making process of the EU. In case there is no formally adopted parliamentary standpoint for an EU document, the Government is free to choose its position.

After the EU decided on the matter, the Government has to inform the Parliament about the content of this decision and about how far the Government was able to follow its own position and the standpoint of the Parliament. If the Government deviated from the parliamentary standpoint, then it has to give an oral justification to the Parliament (i.e. to its EU Standing Committee). If the deviation happened in a matter which concerns two-thirds majority legislation, then the Parliament (so its EU Standing Committee) votes on whether to accept the justification.<sup>10</sup>

The Act also provides for some *further special information rights*. The Hungarian nominees for the Commission, the European Court of Justice, the Court of First Instance, the Court of Auditors and the Board of Directors of the

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<sup>7</sup> In case the Government has to change its position while acting in the EU institutions, the Parliament shall be notified about the new position.

<sup>8</sup> A further possibility is provided for by s. 134B(3) Standing Orders of the Parliament, according to which also two fifth of the members of the EU Standing Committee can initiate a consultation procedure (but only four times per session).

<sup>9</sup> As part of the consultation, when deciding about the parliamentary standpoint, the respective minister or state secretary (i.e., vice-minister) has to be present. In order to have an informed decision about the standpoint, the EU document will be sent to the respective parliamentary standing committees for receiving their opinion. See s. 134B(4), (6)-(7) Standing Orders.

<sup>10</sup> In case of refusal the usual sanctions can be applied, see above FN 2.

European Investment Bank are selected by the Government, but the Parliament has the right to hear these persons before the nomination is made by the Government at EU level.

Before the European Council meetings (or at other events of strategic importance, or if the Speaker of Parliament asks him/her to do so), the Prime Minister has to inform the Speaker of Parliament, the leaders of parliamentary factions, the members of the EU Standing Committee, the chairman of the Committee of constitutional affairs, the chairman of the Foreign Affairs Committee, as well as other parliamentary officials (chairmen of standing committees) invited by the Speaker of the Parliament on the position to be represented by the Government. The same circle has to be informed on these meetings on the preparation of the Hungarian EU presidency (2011). After the European Council meetings the plenary session of the Parliament has to be informed by the PM orally about its results. The Government has to inform the plenary session every year in a report on Hungary's situation in the EU and on the general situation of the European integration. The Parliament (or rather its EU Standing Committee) can adopt a declaration on whether it thinks about an EU proposal that it conforms the principle of *subsidiarity* or not.

In the final provisions, the Act provides for financial and personnel help for the factions: Members of the EU Standing Committee receive an additional remuneration, and two additional experts can be employed per faction.

## 2. THE GRIM POLITICAL PRACTICE

In the light of the above we might think that scrutiny of EU affairs is efficiently done by the Hungarian Parliament, as it has sufficient competences (and also a solid infrastructure with additional personnel as prescribed by law) to do so.<sup>11</sup> The real situation is very different though, which has three main reasons. (1) The “euro-capacity” of Hungarian MPs is very limited (lack of expertise and/or

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<sup>11</sup> On political practice see Enikő GYÓRI, The role of the Hungarian National Assembly in EU policy-making after accession to the Union – A mute witness or a true controller? in: John O'BRENNAN / Tapio RAUNION (eds.), *National Parliaments within the Enlarged European Union. From victims of integration to competitive actors?*, Routledge 2007, pp. 220-240.

linguistic skills, also within the EU Committee). (2) The general acceptance of EU integration (even the right extremist Jobbik party does not contemplate real EU scepticism). (3) The domestic political climate is very hot, so no place for EU issues in public discourse.

But even if these Hungarian political specialities were not present, the practical relevance of parliamentary control would be rather limited. This a well-known structural issue in parliamentary systems: the control of the Government lies with the parliamentary majority which is (by definition) supports the Government anyway. So the main function of parliamentary and committee debates is rather to have a public discourse, where the Government is forced to *argue* or *reason* for a certain position (the meetings of the EU Committee are secret, incl. the relevant documents, sometimes though). For the opposition it gives very limited possibilities, which are of course better than nothing, but the relevance of parliamentary control is definitely less in political practice than it looks by reading the legal rules.

## APPENDIX

### ACT LXI. OF 2002 ON THE AMENDMENT OF ACT XX OF 1949 ON THE CONSTITUTION OF THE REPUBLIC HUNGARY<sup>12</sup>

#### Article 1

The Constitution shall be supplemented with article 2/A as follows:

"Article 2/A (1) The Republic of Hungary may, in order to participate in the European Union as a Member State, based on international treaty, exercise some of its powers arising from the Constitution - to the extent necessary for exercising the rights and fulfilling the obligations stemming from the treaties founding the European Union and the European Communities (hereinafter called the European Union) - jointly with the other Member States; the exercise of these powers may take place individually, via the institutions of the European Union.

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<sup>12</sup> Die Quelle der Übersetzungen des Normmaterials ist die Webseite des Ausschusses für Europäische Angelegenheiten des ungarischen Parlaments: [http://www.parlament.hu/internet/plsql/ogy\\_biz.keret\\_frissit?p\\_szerv=182&p\\_nyelv=EN](http://www.parlament.hu/internet/plsql/ogy_biz.keret_frissit?p_szerv=182&p_nyelv=EN)

(2) For the ratification and promulgation of the international treaty specified in paragraph (1) a majority of two-thirds of the votes of the Members of Parliament shall be required."

## **Article 2**

Article 6 of the Constitution shall be supplemented with a new paragraph (4) as follows:

"(4) The Republic of Hungary shall participate in establishing European unity for the accomplishment of the freedom, welfare and safety of European peoples."

## **Article 3**

[...]

## **Article 4**

[...]

## **Article 5**

[...]

## **Article 6**

(1) Paragraph (1) of article 35 of the Constitution shall be supplemented with point k) as follows and former point k) shall change to point l):

*(The Government shall -)*

"k) represent the Republic of Hungary in the institutions of the European Union functioning with government participation;"

(2) The Constitution shall be supplemented with article 35/A as follows:

"Article 35/A (1) A majority of two-thirds of the votes of the Members of Parliament in attendance is required to pass the law specifying the detailed rules governing the controlling powers of the Parliament or its committees, the reconciliation between the Parliament and the Government, as well as the obligation of the Government to provide information in affairs related to European integration.



(2) The Government shall send the Parliament all the proposals being on the agenda in the decision-making procedures of the institutions of the European Union functioning with government participation."

**7. §**

[elections to EP]

**8. §**

[...]

**9. §**

[elections to EP]

**10. §**

[referendum]

**11. §**

[...]

**ACT LIII. OF 2004 ON THE COOPERATION OF THE  
PARLIAMENT AND THE GOVERNMENT IN EUROPEAN UNION  
AFFAIRS**

By virtue of article 35/A. of the Constitution, in order to promote the cooperation of the Parliament and the Government in European Union affairs and for the enforcement of the interests of the Republic of Hungary - in line with the protocol attached to the Treaty of Amsterdam on the role of national parliaments in the European Union, and the efforts of the European Union to ensure an bigger role for national parliaments - the Parliament hereby passes the following act on the definition of detailed rules concerning the Parliament's authority to exercise control over European integration affairs, consultation with the Government, and the obligation of the Government to provide information:

*General provisions*

**Article 1**

(1) Beside its rights provided for in the Constitution and other acts, the Parliament shall be entitled to exercise control over the activity carried out by the Government in institutions of the European Union operating with governmental participation, to be consulted, as well as to receive information on

the activity of the Government, according to the provisions of this act. The Parliament may exercise such rights through its committees.

(2) Unless provided otherwise in this act, the parliamentary standing committee dealing with European Union affairs shall have the power to decide matters in the procedure concerning drafts of the European Union specified in this act.

(3) The Parliament shall perform its duties and exercise its authorities specified in this act as defined in the Standing Orders.

*Procedure of consultation between the Parliament and the Government*

**Article 2**

(1) The Government shall send all draft legislation, proposals and documents being on the agenda in the decision-making procedures of the institutions of the European Union operating with governmental participation (hereinafter called drafts of the European Union), immediately after receipt to the Parliament.

(2) The Government shall also send any other clearly specified document if and when requested by the Parliament.

(3) After forwarding them, the Government, taking the European Union's agenda for decision-making into account, indicates the drafts of the European Union that it believes belong to the legislative authority of the Parliament, particularly those which

a) refer to a subject that is provided for by an act passed by qualified majority by virtue of the Constitution or by a special act,

b) refer to the definition of the contents of fundamental rights and obligations and the essential guarantees of their enforcement, or

c) include any provision conflicting with legislation in force.

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4) The Government, taking the European Union's agenda for decision-making into account, shall indicate the drafts of the European Union that it believes to be of extraordinary importance for the Republic of Hungary and where it is therefore justified that the Parliament should discuss them.

(5) The Government shall explain why the specified documents belong to the legislative authority of the Parliament and why they are of extraordinary importance.

### **Article 3**

(1) The Parliament may request information on the position that the Government intends to represent concerning any draft of the European Union (hereinafter called proposed position).

(2) The Government may send its proposed position to the Parliament concerning any draft of the European Union and may initiate a consultation thereof.

(3) The proposed position of the Government shall include

- a) a summary of contents of the draft of the European Union,
- b) an indication of the decision-making process applicable in the course of the decision-making by the European Union,
- c) the expectable schedule of the adoption of the draft of the European Union and possibly the starting date of the discussion of the draft by the Council,
- d) the position of the Government concerning the draft of the European Union, the objectives to be achieved in the decision-making process of the European Union and their reasons, and
- e) the presentation of possibly legislative tasks stemming from the draft of the European Union.

(4) The Parliament may request an extended version of the proposed position from the Government, which should include, in addition to the items listed under (3),

- a) the indication of the legislation including the effective regulation applicable in Hungary and in the European Union on the subject of the draft of the European Union,

- b) a brief presentation of the expectable economic, budgetary and social impacts of the draft of the European Union on Hungary,
- c) the opinions of institutions of the European Union and Member States concerning the draft of the European Union, that were known to the Government when its proposed position was prepared.

(5) The Government shall send its proposed position to the Parliament at a date enabling the consultation in merit considering the European Union's agenda for decision-making.

(6) With knowledge of the proposed position or considering the draft of the European Union, the Parliament may initiate the procedure of consultation.

#### **Article 4**

(1) In the scope of the consultation, the Parliament may adopt a standpoint concerning the draft of the European Union within reasonable time, considering the European Union's agenda for decision-making.

(2) In its standpoint, the Parliament shall indicate the view-points that it considers necessary to enforce in the decision-making process of the European Union.

(3) Prior to the Council meeting deciding on the adoption of the draft of the European Union, the responsible minister or political state secretary shall appear before the Parliament at the request of the Parliament and shall expound the position the Government intends to represent at the Council meeting.

(4) The Government shall elaborate its position to be represented in the decision-making process of the European Union taking the standpoint of the Parliament as a basis.

(5) If the draft of the European Union covers a subject whose regulation requires a qualified majority vote of the Parliament by virtue of the Constitution, the Government may deviate from the standpoint in justified cases only.

(6) If the Parliament fails to adopt a standpoint concerning the position of the Government by the deadline required by the European Union's agenda for decision-making, the Government will decide in its absence on the position to be represented in the decision-making process of the European Union.

### **Article 5**

The Government may modify its proposed position taking into consideration the decision-making process of the European Union. The Government shall inform the Parliament regularly on significant changes in the contents of drafts of the European Union or the proposed positions. The Parliament may also amend its former standpoint on that basis.

### **Article 6**

(1) After a decision made by an institution of the European Union operating with governmental participation, the Government shall inform the Parliament in writing on the decision

- a) concerning which the Parliament adopted a standpoint, or
- b) which is specified by the Parliament.

(2) After a decision made by an institution of the European Union operating with governmental participation, the Government shall give a verbal justification to the Parliament, in addition to the information set forth in paragraph (1), if the position represented by the Government differs from that of the Parliament. If the divergence concerns a subject whose regulation requires a qualified majority vote of the Parliament by virtue of the Constitution, the Parliament shall decide on the acceptance of the justification.

*Other obligations of the Government to provide information*

**Article 7**

(1) Prior to the European Council meetings and other events of strategic importance, and on the initiative of the Speaker of Parliament, the Prime Minister shall inform the Speaker of Parliament, the leaders of parliamentary factions, the members of the Committee dealing with European Union affairs, the chairman of the Committee dealing with constitutional affairs, the chairman of the Foreign Affairs Committee, as well as parliamentary officials, chairmen of standing committees and chairmen of the European integration subcommittees of standing committees invited by the Speaker of the Parliament on the position to be represented by the Government.

(2) The Government shall regularly inform the Parliament on political events of strategic importance concerning integration.

(3) The Prime Minister shall orally inform the plenary session of the Parliament on the European Council meetings.

(4) The Government shall inform the plenary session of the Parliament annually on questions concerning the membership of the Republic of Hungary in the European Union and the status of European integration.

**Article 8**

(1) The Government shall make a proposal to the respective institutions of the European Union concerning Hungarian nominees for the Commission, the European Court of Justice, the Court of First Instance, the Court of Auditors and the Board of Directors of the European Investment Bank, respectively.

(2) The Parliament may hear the person proposed by the Government.

## The scrutiny of subsidiarity

### **Article 9**

The Parliament may adopt a position on the operation of the principle of subsidiarity concerning drafts of the European Union.

## *Closing Provisions*

### **Article 10**

(1) This act shall enter into effect on the eighth day following its promulgation.

(2) Paragraph (2) of Article 2 of Act LVI of 1990 on the Remuneration, Cost Reimbursements and Benefits of the Members of Parliament (hereinafter called Remuneration Act) shall be replaced by the following provisions:

„(2) Officials and members of the Committee on Constitutional and Judicial Affairs, the Committee on Budget and Finances and the Committee on European Integration Affairs of the Parliament shall receive an additional payment equal to 40% of their basic pay over and above the supplementary pay specified in paragraph (1).”

(3) Paragraph (1) of Article 5 of Remuneration Act shall be replaced by the following provision:

„5. § (1) The parliamentary factions may receive a monthly amount equal to the basic remuneration of twenty-five members of parliament, plus 30% of the basic remuneration for each member in case of the governing party and 60% of the basic remuneration for each member in case of the opposition parties, from the budget of the Office of the Parliament, to cover the expenses of their operation.”

(4) Article 6 of Remuneration Act shall be supplemented with the following new paragraph (3) and the numbering of the paragraphs shall change accordingly:

„(3) In addition to, but in the manner and up to the extent specified in paragraph (2), each parliamentary faction may employ two additional civil servants and shall be entitled to employ an additional civil servant for every fifty members in order to carry out the tasks related to the accession to the

European Union. The financial conditions of such employment (remuneration, cost reimbursements) shall be ensured by the budget of the Office of the Parliament, calculating remunerations as set forth under points a) to d) of paragraph (2) and taking into account benefits as defined in paragraph (2)."

(5) Paragraphs (2) - (4) of Article 10 of this Act shall enter into effect on 1 September 2004.

**RESOLUTION 47/2004. (V.18.) OF THE PARLIAMENT ON THE AMENDMENT OF RESOLUTION 46/1994. (IX.30.) ON THE STANDING ORDERS OF THE PARLIAMENT OF THE REPUBLIC OF HUNGARY**

**Article 1**

Point b) of paragraph (2) of Article 19 of resolution no. 46/1994. (IX. 30.) OGY on the Standing Orders of the Parliament of the Republic of Hungary (hereinafter called the Standing Orders) shall be replaced by the following provision:

*((2) The Speaker of Parliament, within the scope of his tasks defined in paragraph (1) hereof,)*

b) shall represent Parliament in international relations; and may make a proposal to the standing committee dealing with European Union affairs (hereinafter called the European Union Committee) and to other standing committees to discuss questions of strategic importance concerning the European Union;

**Article 2**

Paragraph (2) of Article 28 of the Standing Orders shall be replaced by the following provision:

"(2) The number and scope of tasks of standing committees shall conform basically to the structure of the Government. It is obligatory to set up the committees dealing with constitutional matters, the budget, foreign affairs,



European Union affairs, national defence, as well as with matters of immunity, incompatibility, and mandate control."

### **Article 3**

Paragraph (3) of Article 67 of the Standing Orders shall be replaced by the following provision:

"(3) Between two sessions committees shall hold sittings if the House Committee or not less than one fifth of the members of the committee request it. Considering the order of operation of the institutions of the European Union, the European Union Committee and other standing committees shall hold sittings during such periods as required."

### **Article 4**

Part IV of the Standings Orders shall be supplemented with a new chapter 5 as follows:

#### **"Chapter 5**

#### **PROCEEDINGS CONCERNING EUROPEAN UNION AFFAIRS**

*Recording and making documents concerning the European Union available*

### **Article 134/A**

(1) The Government shall send all drafts of the European Union specified in the act on the cooperation of the Parliament and the Government in European Union affairs (hereinafter called the Act), immediately after receipt to the European Union Committee.

(2) The records of the documents concerning the European Union kept by the European Union Committee shall include the documents set forth in paragraph (1), as well as other documents issued by other European Union institutions and received by the Parliament. The records shall be accessible for Members of Parliament, as well as the staff of parliamentary factions and the Office of the Parliament.

(3) In the cases specified in the Act, the Government shall forward its negotiating position it intends to adopt in the decision-making process of the Council to the Speaker of Parliament and the European Union Committee.

These documents shall be handled in the procedure regulated in this chapter as confidential. The negotiating position may be made known to persons entitled to participate in the in camera meeting of the European Union Committee and to persons authorized by the chairman of the committee.

*Procedure of consultation between the Parliament and the Government*

**Article 134/B**

(1) The parliamentary discussion of the drafts of the European Union shall be the responsibility of the standing committees. Unless otherwise provided by the Act, the elaboration of a standpoint concerning the position proposed by the Government shall fall in the authority of the European Union Committee.

(2) Taking into account paragraph (6) of Article 3 of the Act, the European Union Committee shall decide on the drafts of the European Union regarding which it intends to initiate consultation, based on the proposal of the chairman of the committee. The European Union Committee may ask the Government to submit an extended proposed position. The committee shall inform the Speaker of Parliament and the chairmen of standing committees on its decision.

(3) The European Union Committee shall initiate consultation regarding the specified draft on the motion of two - fifths of its members. Such a motion may be proposed for consultation on not more than four drafts of the European Union in each ordinary session.

(4) At the proposal of the European Union Committee, the Speaker of Parliament shall ask the appropriate standing committee to develop an opinion on the drafts of the European Union, with the indication of the deadline. A standing committee may ask to be nominated for the development of the opinion. In this case, it is obligatory to nominate the committee. The Speaker of Parliament shall inform the Meeting of Committee Chairmen on the nomination of standing committees.

(5) Standing committees may invite representatives of the national interest representations and social organisations specified in paragraph (2) of article 81 to its open sittings.

(6) The European Union Committee shall develop its standpoint concerning the draft of the European Union in an in camera meeting, with knowledge of the opinion of the standing committee, by the deadline required by the decision-making schedule of the European Union. Beside the persons specified under paragraph (3) of Article 69, the chairman of the committee requested to develop an opinion and an expert on behalf of each parliamentary group may also participate at the sitting in camera.

(7) The European Union Committee shall examine the drafts of the European Union and the relevant negotiating positions in the scope of a verbal procedure. In the case specified in paragraph (3) of Article 4 of the Act, the responsible minister or political secretary-of-state, otherwise a person authorized to make substantial declarations on behalf of the Government shall be present at the discussion of the proposed negotiating position. When developing its standpoint, the committee shall take account of the opinions of other standing committees participating in the parliamentary proceeding.

(8) If a decision by the Council is required in several rounds for the adoption of a draft of the European Union, the European Union Committee shall decide whether to ask the opinion of the standing committee requested anteriorly for the new readings or not.

(9) The European Union Committee may adopt a standpoint concerning the draft even in the absence of an opinion of the standing committee.

(10) The standpoint of the European Union Committee is a summary by the chairman included in the minutes that the Speaker of Parliament and the Government receive in writing within twenty - four hours following the committee meeting.

(11) The Government shall give the information set forth in Article 6 of the Act to the European Union Committee. The committee shall decide on the acceptance of the justification in the cases set forth in the Act.

*Hearing by the Committee*

**Article 134/C**

If the Government makes a proposal for filling a position in the European Union as defined in paragraph (1) of Article 8 of the Act, the European Union Committee and the responsible standing committee may hear the candidate.

*Enforcement of the principle of subsidiarity*

**Article 134/D**

(1) The European Union Committee may examine the enforcement of the principle of subsidiarity in the draft legislations of the European Commission in accordance with the provisions of legislation of the Union.

(2) If the European Union Committee presumes any breach of the principle of subsidiarity, it shall inform the Speaker of Parliament thereof. The Parliament shall decide on the motion of the committee within fifteen days. The provisions of paragraph (1) of Article 114 shall be applicable on the discussion of the motion, as appropriate."

**Article 5**

This resolution shall enter into effect on the day when the Act enters into force.