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# **SLOVAKIA: ASSESSMENT OF THE FUNCTIONING OF THE LISBON TREATY FROM A SMALL STATE PERSPECTIVE**



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### **Abstract**

Aim of this contribution is to assess the role and functioning of the Lisbon Treaty from Slovakia's perspective. Chapter starts with assessing the impact the Treaty of Lisbon had in the context of parliamentary politics in the EU. Here, one interesting puzzle emerges: while the Lisbon Treaty was initially drafted as a tool for strengthening the position of the national parliaments in EU politics, at the same time it has constitutionalized differentiated integration and institutionalized political powers of the European Council. Thus, paradoxically, by commencing differentiation and increasing political powers of the European Council and various Council formations, the Lisbon Treaty, dubbed as a Treaty of parliaments, augmented power asymmetries between the national legislatures and their respective executives.

In the following sections, the study examines the legal framework within which the Slovak Parliament (National Council of the Slovak Republic) participates in European politics. Since 2004, the Constitutional Act No. 397/2004 Coll. has been in force, which allows the Parliament to delegate a significant part of the aforementioned powers - in deciding on the position of the Slovak Republic on proposals that have a legally binding character and on issues related to the observance of the principle of subsidiarity - to the Committee for European Affairs. Although nominally, in the spirit of the aforementioned constitutional law, the NC of the Slovak Republic has a stronger position in European affairs than in the case of other Visegrad Group states, in practice it uses them relatively rarely. This results from the political system of the Slovak Republic, which is based on the principles of parliamentary democracy, i.e. the government reflects the structure of a parliamentary majority. Despite the relatively low level of parliamentary involvement in European affairs, Members do not agree with proposals that would further concentrate decision-making in the hands of the Committee for European Affairs of the NC SR.

**Keywords:** Lisbon Treaty; EU; European Parliament; Slovak Republic; Committee for European Affairs; sovereignty

## **Introduction**

The Lisbon Treaty represents a strong democratising tool for European transnational democracy as it enhances the scrutiny mechanisms of national parliaments and substantially requires their involvement in EU constitutional decision-making. The Treaty institutionalised the right to information, through which national parliaments can receive European Commission proposals for legislation before they enter the legislative pipeline. Additionally, through interparliamentary co-operation, the Lisbon Treaty establishes direct co-operation with the European Parliament. Stipulations in the Treaty concerning the national parliaments provide for their increased involvement in the decision-making process for EU legislative proposals and, furthermore, institutionalises and establishes their direct contact with the EU institutions. This strengthens the democratic control and scrutiny procedures over decisions taken at the EU level and interconnects national parliaments with the EU institutions. Nevertheless, with member states' increasing demand for differentiation, i.e. decision to participate in specific EU policies, which allows creation of flexible institutional arrangements vis-à-vis the EU and the participating member states, scrutiny mechanisms established in the Lisbon Treaty often fell short. Decision to participate in certain policies usually rests with the respective executives. This, contrary to the aim of the Lisbon Treaty to strengthen the roles of the national parliaments, creates power asymmetry in the EU governance system, when executives represented at the European Council and various Council formations gain strategic advantage over their respective national parliaments. This is the case also in countries with strong parliaments, such as Slovakia, where National Council can bind the ministers or the Prime Minister to

uphold certain position. However, the Committee for the EU affairs often serves as a formal talking club, rather than a platform for critical exchange of opinions about the EU matters.

Contribution starts first with assessing the role of the Lisbon Treaty in European parliamentary politics. Here we assess the main changes that the Treaty has brought about and effects it had on national parliaments in general. Second part focuses on Slovak parliament (also known as National Council of the Slovak Republic) and its engagement in the EU matters after the Lisbon (add). Conclusion follows.

### **National Parliaments in Differentiated Europe**

In the complicated institutional set-up and governance system of today's EU, it is challenging to distinguish between traditional evolution of national parliaments in the wake of the integration process itself and changes that were influenced or caused by intervening factors such as Lisbon Treaty or differentiated integration. Clearly, the differences among the national parliaments with respect to their powers in EU matters varies greatly and 'Europeanisation' of national parliaments has been influenced by domestic deliberations and historical and political evolution in each country on an individual basis (see Hefftlar et al. 2015.) Transformation of national parliaments in the wake of European integration is far from being uniform as countries adapt to Europeanisation differently. Even if we cannot assume creation of a unified European model through which national parliaments position themselves in EU matters, there are still some elements that they share as a result of the 'transnational learning process' (Karlas, 2011, p. 258). The national parliaments are an integral part of the coherent set of democratic institutions that are elected on free, egalitarian and pluralistic principles, which guarantees a proportionate selection of people representing the will of the citizens. They are associated with a place where deliberation about state matters is taking place and are, therefore, an embodiment of the very idea of democracy and sovereignty. Although the EU Treaties presuppose active engagement of the national parliaments in the good and proper functioning of the

Union, none of the EU institutions are directly accountable to any national parliament (Alibrandi, 2018) and neither are national parliaments formally recognised as EU institutions. Despite that, as a popularly elected democratic institution, they are inadmissible actors in transnational public debates and take an active role in EU policy making (Auel et al. 2015). Their involvement in the ratification process of European treaties narrows the democratic deficit gap and makes them a legitimate category in EU studies (see Rozenberg & Heftler, 2015, pp. 2–8).

Initially, the scholarship on the role of national parliaments in EU affairs has revolved mainly around the various aspects of their formal role as a scrutiny control mechanism vis-à-vis their executives. However, even parliaments identified with strong policy-making powers, such as Slovakia, were unable to follow the influx of EU legislative acts or provide recommendations on EU-related policies, and they eventually gave in to their role as a monitor of EU's legislation which hampered initial attempts to scrutinise positions of respective national executives on the legislation (see e.g., Pollak & Slominiski 2003; Maurer & Wessles, 2001). On a similar note, Holzacker (2005) found that the leverage of the opposition to hold the executive accountable is proportionate to its representation in the government, and is a relevant factor in terms of legitimacy in EU scrutiny. In the wake of 2008 global financial crisis, several studies have taken a closer look at the new formal powers and prerogatives developed in national parliaments to mitigate the rules regarding the budgetary discipline that have been increasingly influenced by the European Commission. Initial findings suggest that, once again, despite the existence of diverse practices of EU scrutiny control, there has been growing demand for more deliberations on EU matters from the side of the parliaments (Auel & Raunio, 2014) and also for greater involvement of European Affairs Committees (Heftler, 2013) which pressure the executives in the Councils deliberations to be held more accountable to their respective parliaments. As differentiated integration and states' engagement in a wide spectrum of different policy initiatives proliferated, the roles and position of national parliaments also altered. This is evident by the evolution of studies dedicated to the role of national parliaments that has moved beyond mere assessment of their formal strength in scrutinising EU

policies and has called for more analytically informed analysis of parliamentary control (see, e.g., Crum & Fossum, 2009; cf. Auel & Neuhold, 2016). Winzen's (2021) recent overview of the institutional position of national parliaments shows their increasing policy specialisation, development of oversight instruments, greater interconnectedness with other parliaments and growth of specialised bureaucracies. Some of the oversight institutions in EU affairs have even developed special rights to more closely oversee decisions taken in the EU's economic governance (see Winzen, 2021, pp. 4–6). This trend demonstrates that national parliaments are highly reactive and aware of the dynamics that are taking place at the EU level, even suggesting an ongoing attempt to become more salient actors in the decision-making processes of EU sector-specific policies, which have proliferated with increasing differentiation.

### **The Lisbon Paradox**

The Lisbon Treaty plays an ambiguous role in the development of national parliaments and their respective rights to the engagement in European governance system. One of the reoccurring puzzles in the EU studies in general is to determine where to position the legislatures of the Member States in the EU decision-making processes and, with increasing differentiation, this has become even more challenging. Therefore, rather than examining the main advances in which the Lisbon Treaty has contributed to increase in the participation rights of the national parliaments in the EU governance system as isolated cases, it is appropriate to study these changes in context and in the perspective of recent political circumstances.

As it was already mentioned above, the Lisbon Treaty firstly institutionally empowered national parliamentary chambers in their activities to shape EU legislation with a promise to decrease the democratic deficit and increase the democratic legitimacy of the European integration process. More specifically, under the Lisbon Treaty the national parliaments are actively engaged in decision-making processes at the EU level and, as mentioned above, their task is to 'contribute actively to the

good functioning of the Union' (TFEU, Art. 12). Engagement of national parliaments in EU legislation, and hence an increase in the democratic value of legislatures' participation in EU decision-making, as set out in the Lisbon Treaty consists of three main components: 1) right to information; 2) subsidiarity control; and 3) participation. National parliaments have the right to obtain *information* about all legislative drafts of the Union. Under Protocol No. 1, this procedure ensures that the European Commission 'directly informs the national parliament about its non-legislative and legislative proposals ... others actors with legislative powers send their draft legislative proposals to the national parliament' (TFEU, Protocol No. 1). Protocol No. 2 institutionalises the application of the principles of *subsidiarity* and *proportionality*. The implementation of the Early Warning Mechanism (EWM) has enabled national parliaments to raise any concerns over subsidiarity infringements. Representatives of national parliaments have also gained the right to *participate* in future Treaty revisions, unless the European Council, which needs to obtain the consent of the European Parliament, decides that a change does not require a Convention method. The role of national parliaments is enhanced even further in cases where the passerelle clause is about to be enacted. The passerelle clause is a mechanism allowing a modification of the decision-making rules from unanimity to qualified majority voting, or a change from a special legislative procedure to an ordinary legislative procedure. In the case of the former this initiative represents a means to bypass unanimity in Council decisions, and in the case of the latter it enhances the role of the European Parliament and provides for greater transparency in supranational decision-making processes. In both cases, however, the non-opposition of the national parliaments is required. While EWM implies a veto power of national parliaments that is collective and relative, a veto against the passerelle is individual and absolute (Kiiver, 2006, p. 232). That is, it requires a veto from only one national parliament to abort the initiative. In this way, national parliaments become an ultimate 'brake' (possibly also against their own executives) in cases where they decide 'to block a unanimous vote in the European Council to move towards qualified majority voting or towards co-decision with the European Parliament in a given policy area' (p. 231).

Second, the EU Treaties concurrently advanced differentiated integration which allows countries to participate in the process of European integration at different depths and breadths. Consequences of new institutional arrangements related to differentiated integration, especially for democratic representation within the EU system of governance, have recently been studied more closely with regard to the sovereign debt crisis. Several studies assessing the measures taken in the EU during the economic crisis in the eurozone raised concerns about emerging democratic discrepancies in the EU's economic governance (e.g., Beneš & Braun, 2014; Wonka, 2016; Schmidt, 2015; cf. Kreuder-Sonnen, 2018). The eurozone crisis has essentially revealed inbuilt democratic deficiencies of integral differentiation, mainly because the intergovernmental bodies of the EU (i.e., the European Council and the Council) have been occupying the centre stage of political processes (see Puetter, 2012). National parliaments rubbernecked the negotiation of crucial legislative proposals, such as the Fiscal Compact, because they do not possess any substantial powers to amend or review the agreements made by their respective governments (Crum, 2013). Representing citizens who were impacted by the crisis the most, the national parliaments were in the process of negotiating economic emergencies in the position of bystanders which highlighted the ongoing 'executivization' of European politics (Pollak, 2014, p. 32). Decision-making processes during the crisis not only underlined an asymmetrical relationship among the creditors and debtors within the eurozone but also revealed power asymmetries between the Member States' executive agents represented in both the European Council and the Council, and directly elected representatives of the citizens in the national parliaments.

Third, and closely connected to previous point, the intergovernmental decision-making refers mainly to the central role assumed by the European Council, whose executive powers were eventually institutionalised by the Lisbon Treaty. While formal division of powers between the European Council and Commission is clearly set out, the Council has overstepped its duties in establishing and defining the 'general political directions and priorities' (TEU, Art. 15). Indeed, the Council has progressively become the EU's legislative



agenda setter (Naurin & Rasmussen, 2011), by instituting detailed proposals and overseeing their implementation, despite the formal legislative monopoly of the Commission (Dawson & de Witte, 2013, pp. 830–831). The erosion of the Commission's traditional powers (Ponzano et al., 2012) and the increasing political might of the Council have become prolific during the deliberations over crises that the EU has recently faced, where the powers have shifted towards the national executives and turned EU governance into what could be termed executive dominance. Concurrently, institutionalisation of the European Council's political powers by the Lisbon Treaty allowed it, to a great extent, to shape the institutional reform of the Economic Monetary Union in the wake of the crisis (Bressanelli & Chelotti, 2016). This has created a legitimacy gap between the European Council and various Council formations representing the executives in the EU political system and national parliaments in the Member States.

Thus, the 'Lisbon paradox' creates a situation where on the one hand the Lisbon Treaty has institutionalised democratic control mechanisms of the national parliaments in the European integration process. But on the other hand, due to its flexibility and ambiguity, the Treaty also has debilitated national parliaments' control mechanisms vis-à-vis their executives, mainly in flexible arrangements and policy fields that are not applied to all its members uniformly, which has reinforced the role of the Council and to an even greater extent that of the European Council. Possible democratic discrepancies related to this development and questions surrounding the role of Slovak National Council (Slovak parliament) in the EU affairs are discussed in the next sections.

### **The legal framework of the parliamentary dimension of Slovakia's European Policy**

According to the *Constitution of the Slovak Republic*, the National Council of the Slovak Republic (NC SR) is the sole constitutional and legislative body of the Slovak Republic (Art. 72), but,

besides the legislative power, it executes the power of scrutiny, power to create state bodies as well as domestic and foreign policy powers. Parliament has powers to approve the treaties on a union of the Slovak Republic with other states and the repudiation of such treaties by a constitutional law (Art. 86b), before ratification to approve international treaties on human rights and fundamental freedoms, international political treaties, international treaties of military nature, international treaties from which a membership of the Slovak Republic in international organizations arises, international economic treaties of general nature, international treaties for whose exercise a law is necessary, and international treaties which directly confer rights or impose duties on natural persons or legal persons, and at the same time to decide on whether they are international treaties according to Art. 7 para. 5 (Art. 86d), debate on basic issues relating to domestic, international, economic, social and other policies (Art. 86h), declare war in the event of an act of aggression by parties hostile to the Slovak Republic or in the event that obligations under international joint defense treaties must be fulfilled, and after the end of war on concluding the peace (Art. 86j), give consent for dispatching the military forces outside of the territory of the Slovak Republic if it regards performance of obligations resulting from international treaties on joint defense against attack for a maximum period of 60 days (Art. 86k) and approve the presence of foreign military forces on the territory of the Slovak Republic (Art. 86l).

NC SR, however, also indirectly influences foreign policy by approving the Government's Manifesto and deciding on a vote of confidence or no confidence in the Government. In this respect, the NC SR has key instruments in shaping the country's foreign and European policy. Although the declarations of the National Assembly of the Slovak Republic do not have a legally binding character, they convey the opinion of the majority of MPs and thus indicate the political direction of the country. For example, the Declaration of the National Council of the Slovak Republic on the Integration of the Slovak Republic into the European Union, adopted on 1 December 1998. The declaration subscribed to "the values that gave birth to the idea of European integration and on which the European Union is based" and stated that membership is in the interest of the majority of

Slovak citizens and is an important prerequisite for long-term stability in Central Europe (NC SR, 1998).

In the post-accession period, Parliament's role in European affairs is regulated by the *Constitutional Act No. 397/2004 Coll. on cooperation between the National Council of the Slovak Republic and the Government of the Slovak Republic in matters concerning the European Union* and in the *Rules of Procedure of the National Council of the Slovak Republic* (hereinafter referred to as "Rules of Procedure"). According to the Act No. 397/2004 Coll., the Government is obliged to submit to the National Assembly proposals for legally binding acts and other European Community and European Union acts that will be the subject of negotiations between the representatives of the governments of the EU Member States. The law also obliges the government to inform the SRs on other matters related to the SRs' membership of the EU.

The Government of the Slovak Republic or an authorized member of the Government shall submit to the NC SR drafts of legally binding acts and other acts of the European Union to be discussed by representatives of the Governments of the Member States of the European Union and shall inform the National Council on other issues concerning the Slovak Republic's membership in the European Union. The National Council has been provided with these proposals not only by the Government but also in so-called Barroso initiative they are sent directly to national parliaments by their publication in the so-called *European Affairs Tracking System*. Beside that the Government shall submit to the National Council a draft of the position of the Slovak Republic on legally binding acts and other acts of the European Union, together with an assessment of their impact on the Slovak Republic. The law allows for this activity to be entrusted to the relevant committee, which is the Committee for European Affairs of the National Council of the Slovak Republic. This was done on the basis of the *Rules of Procedure* (§58 a). The decision-making has thus been transferred to the Bureau, which, although it reflects the structure of the Parliament, as it is created on the principle of proportional representation of political forces, is considerably smaller, as it consists of 15 members

(legislative term 2020 – 2023). However, unlike the other parliamentary committees, all its members have substitutes alternates and the system of proportional representation is directly required by the Rules of Procedure (Bartovic 2010, p. 57).

From a legal point of view, the Committee's mandate is relatively strong, since under *Constitutional Act No. 397/2004 Coll.* the decision of the Parliament is binding on the members of the Government. The government member may deviate from the position of the Slovak Republic only when inevitably necessary and with due consideration for the interest of the Slovak Republic; in such case the member of the Government shall without delay inform the National Council and explain the reasons for taking this action. If the National Council fails to express its opinion on a position proposal of the Slovak Republic within two weeks of its submission, an authorized member of the Government shall be bound by the (original) position proposal of the Slovak Republic. If the National Council approves a position proposal of the Slovak Republic, a member of the Government representing the Slovak Republic in an EU body is bound by this position. The possibility not to express an opinion on the position proposal ("Principle of Silent Procedure") means to acknowledge the position, resp. "silently" accept it without any discussion or explicit approval. If the National Council fails to approve a proposed position of the Slovak Republic without approving another related position simultaneously, an authorized member of the Government shall be bound by the (original) position proposal of the Slovak Republic. This principle is analogous to the so-called "Principle of Constructive Disagreement" (*Scope of the NC SR...*, n.d.). As V. Bartovic stressed, the Act followed the Danish model of the strong parliament with decisive powers, although leaving room for manoeuvre to the government in the negotiations at the EU level (Bartovic, 2010, p. 55). In the management of European affairs, the Committee for European Affairs also has a central position vis-à-vis the other sectoral committees of the Parliament. The committees shall submit draft opinions concerning proposals for legally binding acts and other acts of the European Communities and the European Union (*Rules of Procedure*, 1996). Although it can forward an EU document to a sectoral

committee for scrutiny, the final decision is taken by the European Affairs Committee (Borońska-Hryniewiecka & Grinc, 2022, p. 786).

According to the *Constitutional Act No. 397/2004 Coll.*, the National Council of the Slovak Republic may also approve the opinions of the Slovak Republic on other European Union matters if requested to do so by the Government or at least one-fifth of the members of the National Council of the Slovak Republic. The *Rules of Procedure* (Art. 58b) also allow the Parliament to issue a compliance assessment of the drafts of EU legislative acts with the principle of subsidiarity, including the approving of reasoned positions. The Committee for European Affairs or one-fifth of Members may request in writing that the National Council pass the resolution on Subsidiarity Principle Infringement Action by a legislative act of the European Union (hereinafter referred to as “action draft”). The action draft shall contain the exact wording of the respective action subject to the resolution of the National Council. According to the official interpretation by the NC SR, Slovak model represents the so-called “mixed system of monitoring the EU affairs within the national parliament” (*Scope of the NC SR...*, n.d.). However, the nominations for different EU positions remain the single responsibility of the Government. The European Affairs Committee has the right only to discuss them, not to approve (Bartovic 2010). The relevant constitutional law thus reflects the constitutional definition of the role of parliament, which is characteristic of parliamentary republics.

According to the *Rules of Procedure*, the meetings of the European Affairs Committee shall be convened by the Chair of the Committee as necessary. An authorized member of the Government has a duty to attend the meetings of the European Affairs Committee and inform its of the drafts of legally binding acts and other acts of the European Communities and the European Union and provide information on the results of the discussions of those bodies of which she/he is a member. Members of European Parliament elected in the territory of the Slovak Republic may participate in a meeting of the Committee for European Affairs and may speak on the matters discussed. The Government or an authorized member of the Government shall submit to the Committee for

European Affairs without delay the drafts of legally binding acts and other acts of the European Communities and the European Union which are to be discussed by the representatives of governments of European Union member states. The Government or an authorized member of the Government shall, no later than three weeks after having received the draft of a legally binding act as mentioned above, submit to the Committee for European Affairs a preliminary opinion on that draft. The preliminary opinion shall contain, in particular, brief information on the content and objectives of the draft, the type and time schedule of the decision-making procedure in the European Communities and European Union, on the compliance of the draft with the principle of subsidiarity, and an evaluation of the impact of the draft on the Slovak Republic with respect to political, legislative, economic, social and environmental aspects. The Government or an authorized member of the Government shall, sufficiently in advance, submit to the European Affairs Committee the proposed opinion of the Slovak Republic on the proposals. A member of the Government may ask the Committee for European Affairs to change the position of the Slovak Republic. If a member of the Government deviates from the opinion of the Committee she/he shall forthwith provide the Committee for European Affairs an explanation and justification for such action. The Government shall provide for regular notification of the Committee for European Affairs by members of the Government serving in bodies of the European Union, of all topical issues discussed in those bodies. Unless resolved otherwise by the NC SR, by the end of March of each year the Government shall submit to the NC SR a report on matters related to the membership of the Slovak Republic in the European Union for the preceding calendar year. The Committee for European Affairs may at any time request that the Government or an authorized member of the Government submit reports, information, justifications or explanations of any matters related to the membership of the Slovak Republic in the European Union.

According to Borońska-Hryniewiecka & Grinc (2022), such a definition of the competences of Committee for European Affairs implies that compared to other parliaments of the Visegrad Group countries, the Slovak government has „the narrowest room for manoeuvre“, as the Committee for

European Affairs may even replace the government's position with its own. Formally, the Slovak Parliament is thus in a stronger position than in other Visegrad Group countries (Borońska-Hryniewiecka & Grinc, 2022, p. 785). In practice, however, issues related to European integration are not among the priority topics on the agenda of the plenary sessions of the Slovak Parliament or its committees. The vast majority of issues related to EU issues are debated in the Committee for European Affairs and it is not taken to the plenary (Figulová, 2015, p. 643). In order to cover the wide spectrum of EU agenda, each member of the Committee for European Affairs is simultaneously a member of another parliamentary committee. The work of the committee is facilitated by the Chancellery of NCSR, which includes the Department for European Affairs, however having with limited number of employees (Bartovic 2010, pp. 58-59). In 2022, Freedom and Solidarity MEPs proposed strengthening the powers of the Committee for European Affairs, which would allow the Committee to be empowered to take opinions also on draft EU documents that are not legally binding. This proposal, which could thus lead to a limitation of the plenary of the Parliament's participation in European affairs, was rejected by the MPs of the NC SR (*DenníkN*, 2022).

Although nominally the NC SR has strong powers, it has issued only 7 reasoned opinions in 2011-2020. It has only occasionally initiated the possibility to comment on the substantive content of legislative proposals under the political dialogue mechanism offered by the European Commission to national parliaments. In 2011-2020, NC SR made 18 contributions in the framework of the political dialogue mechanism with the European Commission or the European Parliament (Borońska-Hryniewiecka & Grinc, 2022, p. 791; *IPEX*). The reports that the Committee on European Affairs is required to submit to Parliament each year show that only a small proportion of draft legally binding EU documents are referred by the Committee on EU Affairs to other committees for consideration. In 2020, this was 21 out of 721 proposals, in 2021 only 10 out of 762. Similarly, in the previous parliamentary term (2016-2020) the number was not much higher (13 out of 525 proposals in 2016-2017 and 72 out of 732 proposals in 2018). This is not even 10 per cent of all proposals for legally binding documents submitted by the European Commission.

Although the Parliament is supposed to discuss the report on the activities of the Committee for European Affairs every year, e.g. for 2019 no report was submitted at all, perhaps due to the end of the Parliament's term in February 2020, and a joint report was produced for 2016 and 2017 (NC SR 2016-2022). This is also indicative of the low attention Parliament paid to the European agenda. By comparison, there have been two elected parliamentary terms during which two governing coalitions have been in power, and after the February 2020 parliamentary elections, no party that was part of the previous governing coalition will be part of the new governing coalition.

### **Slovakia in the debate on the future of the EU**

One of the explanations for the introduction of a formally strong parliamentary role in European integration issues may, paradoxically, be the result of the generally positive attitude of Slovak political elites towards European integration and the situation Slovakia found itself in during the pre-accession period. Particularly in the pre-accession period, Slovakia was one of the candidate states that presented the most Euro-enthusiastic positions. In 1994-1998, authoritarian tendencies in the government of Vladimir Mečiar and his rapprochement with the Russian Federation on security issues caused Slovakia to be excluded from the first wave of NATO enlargement (Duleba; 1996; Marušiak, 2013). Therefore, at the 1997 European Council in Luxembourg, Slovakia was not invited to join the pre-accession negotiations with the EU, unlike Czech Republic, Poland, Hungary, Slovenia and Estonia. The subsequent parliamentary elections in 1998 brought about a radical change in the governing coalition formed by pro-European center-right and center-left parties. The new government defined as a strategic objective to overcome the integration deficit, especially in relation to the Czech Republic, Poland and Hungary, which was to be achieved through a program of ambitious reforms and intensive adoption of the *Acquis Communautaire*.

Accession to the European Union has also become the subject of consensus among most political forces and citizens. This was confirmed by the results of the 2003 EU-accession referendum,



in which membership was supported by 92.46 per cent of the participating voters (SOSR, 2003). This was the highest compared to the other Visegrad Group countries (Hungary - 83.7 per cent; Poland - 77.5 per cent; Czech Republic - 77.3 per cent) (Del Monte, 2022, p. 18). On the other hand, in the case of Slovakia, the political discourse has only to a limited extent addressed specific aspects of the integration process or discussions on the future of the EU. The focus has been on meeting the conditions for accession as quickly as possible. The political parties themselves have not paid much attention to European integration issues, nor have they built up their own expertise in this area. Even after almost two decades since EU accession, the situation in this area has not changed, and may even have worsened, given that a large number of political actors do not pay attention to building regional and local structures and professional capacities. Similarly, Parliament does not have sufficient professional capacity. Therefore, this agenda remains primarily the responsibility of the executive.

It was only after 2002, when the European Council summit in Copenhagen decided to admit 10 new members from Eastern and Central Europe including Slovakia, that a turning point in the debate on the future of the EU could be observed. The former Euro-enthusiastic discourse was replaced by a soft sovereigntist rhetoric, which was also adopted by the parties of the then ruling coalition of center-right parties. However, this rhetoric did not find expression in concrete political programs or in proposals for the institutional arrangement of relations between Slovakia and the EU institutions.

In March 2002, the President of the Slovak Republic, Rudolf Schuster, described the federal organization of Europe as advantageous for Slovakia. However, Prime Minister Mikuláš Dzurinda and Slovak Foreign Minister Eduard Kukan spoke at the same time of strengthening the community principle and of respecting the principle of subsidiarity, according to which European institutions should deal “exclusively with issues that are meaningful and effective to be dealt with at this level” (Bilčík & Világi, 2007, pp. 11-13). Federalist solutions were also rejected by the Slovak government

representation during the discussions on the EU Constitutional Treaty. Advocating that the first article of the draft EU Constitutional Treaty should not contain the statement that member states should exercise certain powers on a federal basis, Slovak representatives advocated the use of the term “constitutional treaty” instead of “EU constitution.”

As a result, the principle of a “Europe of nation states” has become a subject of consensus at the level of political elites, which was confirmed by the *Medium-term Strategy of the Foreign Policy of the Slovak Republic until 2015*, approved by the National Council of the Slovak Republic in December 2004 (MFaEA SR, 2004). However, the reluctant attitude towards the EU Constitutional Treaty, which eventually resulted in the paralysis of the ratification process, did not change the fact that Slovakia was in most cases among those states that either actively supported the process of deepening European integration or at least did not slow it down. The declared principle of a “Europe of nation states” did not prevent the Slovak representation from supporting the adoption of the euro from 2009, thus Slovakia renounced one of the important attributes of national statehood. As a member of the euro area, it has also become the most integrated state of the Visegrad Group, as the Czech Republic, Poland and Hungary have not introduced the EU single currency and have not announced their intention to do so by March 2023.

The combination of elements of criticism towards several aspects of European integration and the application of technocratic approaches in practice has become a characteristic approach not only for the center-right government of Mikuláš Dzurinda (Slovak Democratic and Christian Union - Democratic Party, 1998-2006), but also for the new government that came in after the 2006 elections and the following 12 years (with the exception of a short break in 2010-2012, when a coalition of center-right parties was formed, led by Prime Minister Iveta Radičová). Governments dominated by Smer-Social Democracy, led by Robert Fico (2006-2010 and 2012-2018) and then by Petro Pellegrini (2018-2020), have continued a largely technocratic approach to European affairs. The discrepancies between the often Eurosceptic rhetoric for the purposes of internal political discourse and the

fundamentally different practice on the floor of the European institutions and in the implementation of specific European policies were manifested, for example, in the statements of R. Fico about the need to join the future “core of the European Union”, although he never specified what the essence of the said core should be, and, on the contrary, the negative definition of himself towards “Brussels” in the programmatic plane, when he claimed that his party should represent “Slovak, not Brussels social democracy” (Smer-SD, 2017; Marušiak, 2021). Similarly, the new governing coalition that took office in 2020 prioritized cooperation within the EU, which it preferred to the format of the Visegrad Group.

### **European affairs in the plenary of the National Council of the Slovak Republic**

The work of the European Affairs Committee, which only in rare cases takes a critical stance towards government policy, indicates that there is a consensus on most issues related to EU affairs in the Slovak political scene. The specific powers of this body, which is also referred to as a "little parliament" (Bartovic, 2010, 57, 61) because of the way it is created, mean that only a small part of the agenda becomes the subject of debate with wider public participation or even the plenary of the parliament. As a rule, these are politically sensitive topics which, in many cases, became the subject of the agenda of the Slovak political elites even before the adoption of the Lisbon Treaty.

These include, for example, Slovakia's position on the regulation of so-called reproductive rights. Even in the pre-accession period, in 2002, the NC SR adopted the Declaration on the Sovereignty of EU Member States and States Candidates for EU Membership in Cultural and Ethical Matters, submitted at the end of 2001 by the Christian Democratic Movement (KDH) MPs. The debate on this proposal, which argued in favor of leaving competence in matters of reproductive behavior in the hands of nation states, was conducted in a dispute between the conservative right on the one hand and liberal and left-leaning political forces on the other (NC SR 2002).

Above mentioned declaration didn't serve as a one-time document. It was also referred to by the initiators of the declaration, adopted in the National Assembly of the Slovak Republic in response to the European Parliament resolution on growing hate crimes against LGBTIQ+ people across Europe in light of the recent homophobic murder in Slovakia adopted on 20 October 2022 (2022/2894(RSP)) and to the Mission report following the LIBE delegation to Slovakia (15-17 December 2022) from 27 January 2023 (*Motion for the resolution...*, 2022; *Mission report...*, 2023). The initiators of the NC SR statement, OĽaNO MPs Anna Záborská and Anna Andrejiová, called the European Parliament's resolution reacting to the homophobic murder in the Bratislava LGBT bar "Tepláreň" on 12 October 2022, accused the European Parliament of violating the principle of subsidiarity, overstepping its competences and "disrespecting the sovereignty of the Slovak Republic". The declaration was supported by the majority of MPs, members of the government and opposition factions (*DenníkN*, 2023). At the same time, the Committee for European Affairs revoked its original resolution agreeing to a draft regulation on the recognition of parentage in EU Member States where children have same-sex parents on their birth certificates (TASR. 2023).

In October 2004, the Slovak Parliament also contributed to a change in the attitude of the Slovak government towards the question of Turkey's possible EU membership, when it pushed through the demand that the pre-accession negotiations with this country should be conducted with an "open end", with the decision on future membership considering "the essentiality of the criteria fulfilment" (Bartovic, 2010, p. 66). This decision was taken under pressure from conservative forces, which had at least a restrained attitude towards Turkey's EU membership, and other Slovak governments have subsequently acted along the same lines (Yar, 2020; Sabadoš, 2023).

The NC SR also entered the European debate in connection with its position on the issue of Kosovo's independence after the publication of the so-called Ahtisaari Plan, which envisaged the unilateral declaration of full independence of Kosovo, i.e. without Serbia's consent. The ruling

coalition, also under pressure from the opposition (in particular the leader of the strongest opposition party SDKÚ-DS, M. Dzurinda), opposed this plan (Lezová, 2017, p. 269). Slovak Prime Minister R. Fico described the effort to unilaterally declare Kosovo's independence under international protection as a “dictate” and warned against “uncontrollable movements in other countries” (Fico o Kosove..., 2007). In its statement, the NC SR stated that “the full and unrestricted independence of Kosovo is not in the interest of the stability of a region that has long been exposed to tragedies and crises”, claiming that the future of Kosovo must be in accordance with Serbia’s legitimate requirements, the UN Charter, and other international legal norms (NC SR 2007). Slovakia, together with Romania, Spain, Greece and Cyprus, thus prevented the adoption of a common EU position on this issue, which would have required a unanimous vote of the member states. Another example of the Slovak Parliament's involvement was the issue of Slovakia's position on the refugee crisis in 2015, when the Parliament supported the Slovak government's opposition to the introduction of the so-called refugee quotas postulated by the European Commission. The Parliament linked this issue not only to security aspects, but also to respect for the principle of the sovereignty of the Member States and identity issues, calling for “taking into account the cultural, historical and socio-economic specificities of the individual Member States” (NC SR, 2015). Issues of state sovereignty, preservation of national identity, uncontrolled migration and the inviolability of borders are characteristic themes of the foreign policy of small states, as P. Bajda points out (Bajda, 2018, p. 58), and these themes are also reflected in the European agenda on the floor of the Slovak Parliament.

Although, as we have already mentioned earlier, European affairs are not among the primary topics of the internal political discourse, in 2011 it was the different attitude of political parties to the increase of funds allocated in the European Financial Stability Facility (EFSF), which the government of Iveta Radičová linked to the vote of confidence. The Freedom and Solidarity party, led by Richard Sulík, refused to support the move, which resulted in the collapse of the ruling coalition of centre-right parties and early parliamentary elections in 2012. However, this vote was more the result of

internal disagreements within the ruling coalition than the negative attitude of the parliamentary majority towards Slovakia's involvement in the European Financial Stability Facility, as evidenced by the fact that after the collapse of the ruling coalition, the proposal passed in Parliament with the support of some members of the then opposition (Figulová 2015).

## **Conclusions**

The above examples show that, regardless of its competences, the Parliament actively enters the debate on European affairs at those moments when the position of the majority of political forces clashes with the current direction of the European Union or when the government needs to demonstrate strong domestic public support for its positions in the EU (e.g. in the case of the Kosovo issue or refugee quotas). From a thematic point of view, these are mainly issues related to the identification of Slovakia as part of the conservative-oriented part of the EU, namely on reproductive rights, the broader cultural agenda (e.g. in connection with Turkey's prospective EU membership, or the acceptance of refugees quotas mainly from the so-called third world countries), which is also part of the domestic political agenda of the conservative and Christian Democratic parties. The issue of accepting refugees in 2015 was interpreted as a security problem and a question of violation of Slovakia's state sovereignty. The issue of (non-)recognition of Kosovo's unilaterally declared independence is related to the principle of the inviolability of borders, which Slovakia considers to be one of the key priorities of its foreign policy, and Slovak political elites argued in a similar vein in connection with the rejection of the annexation of Crimea by the Russian Federation in 2014.

Although the National Council of the Slovak Republic has extensive powers in European affairs, it uses them only to a limited extent. Although in the case of Slovakia we cannot speak of a "de-parliamentarisation" of European politics as in the case of Hungary, the NC SR in practice rarely uses the potential provided by the existing institutional framework (Borońska-Hryniewiecka & Grinc, 2022). At the same time, however, the MPs of the NC SR are resisting the adoption of such legislative

proposals, namely the amendment of the Constitutional Act No. 397/2004 Coll., which would further limit the participation of the Plenary of the Parliament in European affairs. Thus, the “European” policy of the Slovak Republic is dominated by an intergovernmental approach, which, however, also results from the nature of the country's political system as a parliamentary democracy. As the government's mandate is dependent on the support of a parliamentary majority, a fundamental contradiction between the government's position and that of the parliament is unlikely. On the other hand, the existence of a 'silent procedure' leads to the fact that parliament actively enters European affairs on the initiative of political forces that need to demonstrate in this way a different position from that of the European institutions or other EU Member States. This is in contrast to the pre-accession period, when parliamentary documents were characterized by a sometimes almost identitarian Europeanism, as in the case of the December 1998 declaration. This situation effectively distorts the image of the 'European debate' in Slovak politics, which thus appears confrontational and Eurosceptic, although in reality the number of cases is relatively small.

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