

Application of the Lisbon Treaty provisions on involvement of national parliaments in the EU decision-making process 10 years later

Abstract

Adoption of the Lisbon Treaty has brought about several essential institutional changes in the functioning of the European Union. For example, a further shift towards co-decision by the European Parliament on secondary law that became ordinary legislative procedure. Also, qualified majority voting in the Council has been extended and subjected to the new conditions. Last but not least, the EU competences have been divided as exclusive, shared and supporting. These and related further steps simultaneously gave rise to a more intense involvement of national parliaments, both in the sense of a scrutiny over a due exercise of conferred powers as well as a democratic safeguard of the new processes.

The main goal of this thesis is to present a comprehensive picture of existing legal framework in this field, including a brief summary on crucial historical factors that have been shaping it until its current form. Hand in hand with that, it also offers evaluation of the most frequently used mechanisms throughout the 10 years of its application. Consequently, it leads to a reflection on how, and if at all, effectively exploit the potential of national parliaments in this regard, be it within the current setting or by means of changing the Treaties. This concept builds on the topicality of the subject in the context of current debates on the future of Europe.

The thesis seeks to balance its theoretical and practical components as well as its four chapters that are interconnected in their order. The introductory part looks back to the past, to the period before the adoption of the Lisbon Treaty, and highlights the fundamental milestones which, in the context of the historical events linked with them, marked a certain shift for national parliaments towards the current setting. Its aim is to provide the reader with an essential idea of circumstances around the introduction of respective instruments into the EU decision-making system.

In its next part, the thesis moves to the present and offers a more detailed analysis of individual tools, through which national parliaments are involved in decision-making at the EU level, either formally or using various informal mechanisms. The individual ways of their participation are logically arranged according to the frequency of their application and their relationship to the relevant player in the EU legislative process. This part should provide a

theoretical basis for further reflection on the functioning of the current legislation and its possible changes.

The following part offers an analysis of the practical use of the most common tools over the past ten years. The introductory chapter first summarizes the basic differences between the approaches of individual national parliaments, in the light of which it is necessary to understand the statistical data presented later. Based on them, some weaknesses and limits of the existing legal regulation are described. Attention is deliberately limited to the mechanisms that parliaments use within their almost day-to-day activities and on which the various reform initiatives that the thesis deals with in its last part also focus. This includes the analysis and evaluation of current efforts to strengthen the position of national parliaments and other changes that could affect their future role in some way, in terms of the feasibility of their implementation, subsequent practical application, but also the potential benefits.

Keywords: Lisbon Treaty; national parliaments; subsidiarity; proportionality