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THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION – CASES OF CROATIA, HUNGARY AND POLAND

THESIS OF PHD DISSERTATION

(THESIS BOOKLET)

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I. THE SUBJECT, AIMS AND RESEARCH QUESTIONS OF THE THESIS

1. Research subject and objectives

The role of national parliaments within the European Union has increasingly become an important subject of both academic research and institutional practice. The question of strengthening the position of national parliaments became particularly significant as concerns about the European Union's democratic deficit emerged. The expansion of the competences of the European Parliament could not, by itself, resolve all questions concerning democratic legitimacy and representation within the Union. National parliaments were consequently increasingly regarded as institutions capable of connecting European decision-making with national democratic processes and of acting as intermediaries between European institutions and citizens.

The Treaty of Lisbon represented a significant turning point in this development. It formally recognised the role of national parliaments within the EU institutional framework and introduced mechanisms intended to enable their more direct participation in European affairs. Among these mechanisms, particular importance was given to the Early Warning Mechanism, which enables national parliaments to scrutinise draft legislative acts with regard to the principle of subsidiarity. The Treaty also strengthened parliamentary access to information and developed political dialogue between national parliaments and the European Commission.

Against this background, the dissertation analyses the institutional and legal role of national parliaments within the European Union, with particular emphasis on the parliaments of Central and Eastern European Member States. The research focuses on Croatia, Hungary and Poland and examines both the formal legal framework governing their participation in EU affairs and the practical conditions under which parliamentary scrutiny is exercised.

The research is also placed within the broader context of European integration and further enlargement. The institutional readiness of candidate countries and their ability to adapt their constitutional and parliamentary systems to the requirements of EU membership are closely connected with questions of democratic development. National parliaments have a dual relevance in this context: they facilitate the process of European integration while simultaneously contributing to democratic accountability within their respective national systems.

The principal aim of the dissertation is therefore to provide a systematic analysis of the position of national parliaments within the EU institutional framework and to assess the scope and manner of their participation in the shaping and scrutiny of European policy. Particular attention is given to the legal foundations of their role, the mechanisms established by the Treaty of Lisbon and the practical adaptation of the selected national parliamentary systems.

The research seeks to determine whether the formal strengthening of national parliamentary powers has resulted in a corresponding increase in their practical influence on EU decision-making. The distinction between formal legal powers and their practical exercise represents a central element of the research. The dissertation consequently considers not only the existence of parliamentary mechanisms but also the institutional, administrative, political and informational conditions necessary for their effective use.

2. Research question, hypothesis and comparative scope

The central research question of the dissertation is: To what extent have the mechanisms introduced by the Lisbon Treaty strengthened the role of national parliaments in decision-making at the EU level?

This question requires an examination of the effectiveness of the legal and institutional framework governing national parliamentary participation, the extent to which national parliaments exercise genuine influence on European decision-making, and the differences that exist between the selected Member States in relation to parliamentary scrutiny of EU affairs.

The research proceeds from the hypothesis that the role of national parliaments in the EU has been formally strengthened by the Lisbon Treaty, particularly through the subsidiarity control mechanism and enhanced rights to information. At the same time, the research assumes that their practical influence remains uneven and structurally constrained by the continuing dominance of the executive at both the national and EU levels. Governments participate directly in the Council of the European Union and possess structural advantages in terms of information, expertise, continuity and speed of decision-making. National parliaments, in contrast, primarily perform scrutiny and accountability functions and therefore often influence European decision-making indirectly through their relationship with the national executive.

The comparative analysis focuses on Croatia, Hungary and Poland. The selection of these states is based on their common post-communist historical background, their relatively recent

experience of EU membership and the different institutional models through which their parliaments participate in European affairs.

Croatia is particularly relevant because it is the most recent Member State to have joined the European Union and because the role of the Croatian Parliament in EU affairs remains comparatively under-researched.

Hungary provides a useful comparison as another post-communist Member State with a unicameral parliamentary system, while Poland offers a different institutional model due to its bicameral structure consisting of the Sejm and the Senate.

The comparison does not assume that formally similar mechanisms operate identically in different constitutional systems. Instead, the research examines the interaction between legal rules and the constitutional, political and administrative circumstances in which those rules operate. Particular attention is therefore given to the relationship between the legislative and executive branches, parliamentary organisation, access to information, institutional capacity and the timing of parliamentary scrutiny.

3. Structure of the dissertation

The dissertation consists of six substantive chapters. The first chapter examines the historical development of the role of national parliaments within the European Union. It traces the development from the establishment of the European Communities through the successive stages of European integration and identifies the gradual transformation of national parliaments from institutions with a limited role in European affairs into formally recognised participants in the EU system. Particular attention is given to the period following the Maastricht Treaty, the emergence of the democratic deficit debate and the developments that ultimately led to the Treaty of Lisbon.

The second chapter examines the European Parliament and its relationship with the other EU institutions and national parliaments. It analyses the historical expansion of the European Parliament's powers, the development of representative democracy within the Union and the implications of the ordinary and special legislative procedures. The chapter also considers delegated legislation under Article 290 TFEU, institutional balance and the broader question of the distribution of legislative and executive powers. In this context, it addresses the debate

concerning the democratic deficit and the possible contribution of national parliaments to democratic legitimacy within the EU.

The third chapter focuses on the principle of subsidiarity, which represents the principal legal basis for parliamentary scrutiny under the Lisbon Treaty. It examines the historical and theoretical development of the principle, its incorporation into EU law and the distinction between the political ex ante scrutiny performed by national parliaments and the ex post judicial review exercised by the Court of Justice of the European Union.

The fourth chapter is devoted to the Treaty of Lisbon and its Protocols concerning national parliaments. Particular attention is given to the Early Warning Mechanism and the possibility for national parliaments to submit reasoned opinions concerning compliance with subsidiarity. The chapter also examines political dialogue and other provisions relevant to parliamentary participation in European affairs.

The fifth chapter analyses the parliamentary systems of Croatia, Hungary and Poland, with particular emphasis on their constitutional development, internal organisation, participation in EU affairs and relationship with the executive. The analysis demonstrates that although the three states share important historical characteristics, they have developed different institutional approaches to parliamentary scrutiny. The Croatian Parliament participates in EU affairs through, inter alia, the Committee on European Affairs and the procedures established for examining EU legislative proposals. The Hungarian Parliament has developed institutional mechanisms for European affairs within a system in which the executive exercises considerable influence over the legislative process. The Polish Parliament, consisting of the Sejm and the Senate, provides a different model in which bicameralism and the constitutional distribution of powers are particularly relevant.

The sixth chapter provides the principal comparative and empirical contribution of the dissertation. It examines the actual functioning of the Croatian Parliament, the Országgyűlés and the Sejm in EU affairs, with particular emphasis on the mechanisms introduced by the Lisbon Treaty. The analysis covers parliamentary activity between 2010 and 2024 and focuses particularly on reasoned opinions, the Early Warning Mechanism and the yellow-card procedure. The empirical analysis is complemented by semi-structured interviews with parliamentary secretaries and staff of the committees responsible for European affairs. This final part of the dissertation brings together the preceding legal, historical and institutional

analysis and assesses the extent to which formally strengthened parliamentary powers have translated into effective influence in practice.

II. METHODOLOGY AND RESEARCH DESIGN

1. Methodological framework and comparative legal method

The complexity of the research topic requires a methodological approach capable of examining both the formal legal position of national parliaments and the practical conditions under which their powers are exercised.

The dissertation therefore combines legal, historical, comparative, political and empirical approaches. The comparative legal method constitutes the principal research method, since the central purpose of the study is to examine how different national parliamentary systems have adapted to the requirements of EU membership and how formally comparable mechanisms operate within different constitutional and institutional contexts.

The comparative legal analysis does not limit itself to a comparison of constitutional provisions, statutes or parliamentary rules of procedure. Such a purely formal comparison would not sufficiently explain the actual influence of national parliaments.

The research therefore compares both the legal framework and the institutional function of the relevant mechanisms. This makes it possible to identify similarities and differences between Croatia, Hungary and Poland while taking account of the constitutional, political and administrative context in which each parliamentary system operates.

The comparative method serves two connected purposes. First, it identifies the different national models of parliamentary scrutiny of EU affairs and the particular institutional solutions developed by each Member State. Second, it makes it possible to distinguish between elements arising from the specific circumstances of an individual state and more general institutional conditions that may affect the effectiveness of parliamentary scrutiny across different systems.

This approach is particularly important because formally similar parliamentary mechanisms may produce different practical results. The existence of a legal power to scrutinise EU affairs does not necessarily indicate that parliament has the institutional capacity, information, time or political autonomy required to exercise that power effectively.

The comparative legal method therefore provides the basis for analysing the relationship between formal legal empowerment and practical parliamentary influence.

2. Complementary methods and empirical research

The comparative legal method is supplemented by the legal-historical method, which is used to reconstruct the development of the role of national parliaments from the establishment of the European Communities to the Lisbon Treaty and the post-Lisbon period. This historical perspective demonstrates that the contemporary role of national parliaments is not solely the result of reforms adopted at EU level. It is also shaped by national constitutional traditions and by the institutional development of individual parliamentary systems.

The normative and analytical-dogmatic methods are employed to interpret the relevant provisions of EU primary law, constitutional provisions, national legislation and parliamentary rules of procedure. They are particularly important for determining the formal scope of parliamentary powers, the legal character of subsidiarity control and the relationship between national parliamentary scrutiny and the EU legislative process.

The research also incorporates a comparative political science and public administration perspective. These approaches are necessary because the functioning of national parliaments cannot be fully understood through legal analysis alone. They enable the research to examine parliamentary organisation, committee structures, executive-parliamentary relations and the practical operation of parliamentary procedures. Particular attention is paid to the concept of executive dominance, reflecting the structural position of national governments as direct participants in the Council and in the European legislative process.

The empirical dimension of the research focuses on parliamentary practice in Croatia, Hungary and Poland. It includes the examination of parliamentary documentation, reports and records covering the period from 2010 to 2024, with particular attention to reasoned opinions and the Early Warning Mechanism, including the yellow-card procedure. The documentary analysis is complemented by qualitative semi-structured interviews with parliamentary secretaries and staff of the committees responsible for European affairs. These interviews provide insight into internal procedures, information flows, informal practices and practical constraints that cannot be fully identified through legal sources alone.

3. Sources, analytical framework and limitations

The research is based primarily on EU primary law, including the Treaties and Protocols concerning national parliaments and subsidiarity, as well as constitutional provisions, national

legislation and parliamentary rules of procedure. These legal sources are supplemented by parliamentary documents, institutional reports and records, relevant academic literature and the qualitative empirical material obtained through interviews.

The empirical analysis is organised around several interrelated conditions that determine the practical capacity of national parliaments to use their formal powers. Particular importance is given to formal legal authority, institutional and administrative capacity, access to timely and relevant information, the timing of parliamentary intervention, political autonomy, and coordination between parliament, government and other national and European institutions. These factors are examined together because none of them alone can fully explain the practical effectiveness of parliamentary scrutiny.

The methodology also recognises several limitations. The three selected Member States operate within different constitutional traditions, political environments and administrative capacities, meaning that formally comparable mechanisms may function differently in practice. The research therefore does not assume that an institutional solution developed in one state can automatically be transferred to another.

Furthermore, parliamentary activity cannot be measured exclusively by the number of reasoned opinions submitted or by the formal success of the Early Warning Mechanism. Such indicators provide important empirical evidence but must be interpreted in conjunction with institutional capacity, information, timing, political circumstances and the broader role of parliamentary scrutiny.

III. SUMMARY OF THE RESEARCH RESULTS, THEIR UTILISATION AND POSSIBILITIES FOR UTILISATION

1. Principal scientific findings

The central finding of the research is that the Treaty of Lisbon strengthened the formal position of national parliaments more significantly than their practical influence on EU decision-making. The Treaty introduced important new legal mechanisms, most notably the Early Warning Mechanism, strengthened access to information and formally recognised national parliaments as participants in the functioning of the Union. These developments represent a significant change compared with their earlier position in the European integration process.

At the same time, the empirical and comparative analysis demonstrates that formal empowerment does not automatically result in effective influence. The practical significance of parliamentary powers depends on the conditions under which those powers can be exercised. Information, institutional capacity, timing, political autonomy and coordination with other institutional actors all affect whether formal parliamentary rights can be transformed into meaningful influence.

The Early Warning Mechanism illustrates this distinction particularly clearly. Although it provides national parliaments with a direct instrument for scrutinising draft EU legislation from the perspective of subsidiarity, its practical operation is constrained by the limited time available for parliamentary review, the complexity of EU legislative proposals and the requirement for coordination among national parliaments. Moreover, the mechanism does not provide national parliaments with a conventional legislative veto. Its effectiveness therefore depends substantially on the ability of parliaments to identify relevant proposals, analyse them within the available period and coordinate their positions.

The research consequently confirms that the role of national parliaments after Lisbon should not be assessed exclusively according to whether they formally prevent or modify EU legislation. Their contribution also includes scrutiny of governments, democratic accountability, political communication, information exchange and the representation of national democratic interests within the multilevel system of EU governance.

2. Comparative findings and their broader significance

The comparative analysis of Croatia, Hungary and Poland demonstrates that the practical limitations of parliamentary influence cannot be explained by a single institutional factor. The three parliamentary systems differ in their constitutional arrangements, organisation and relationship with the executive, yet all reveal the importance of the conditions surrounding the exercise of parliamentary powers.

The Croatian case particularly demonstrates the importance of administrative capacity, access to information and timing. The Croatian Parliament has developed institutional mechanisms for participation in EU affairs, including the role of the Committee on European Affairs and procedures for examining EU legislative proposals. However, the practical effectiveness of these mechanisms depends on the ability to monitor and analyse European developments within relatively short periods.

The Hungarian case demonstrates that institutional capacity and formal procedures do not necessarily translate directly into political influence. The Hungarian Parliament has established mechanisms for dealing with European affairs, but the relationship between the legislative and executive branches remains an important factor affecting the practical context of parliamentary scrutiny.

The Polish case provides a further perspective due to its bicameral parliamentary structure. The organisation of European affairs within the Sejm and Senate illustrates the importance of institutional coordination, timing and procedural complexity. The Polish constitutional framework and the relevant practice of the Constitutional Tribunal also provide an important context for understanding the relationship between the Parliament, the executive and European integration.

Taken together, the three cases demonstrate that the effectiveness of parliamentary scrutiny depends on a combination of factors rather than on formal legal powers alone. The comparative analysis therefore supports the broader conclusion that national parliamentary influence in EU affairs is multidimensional.

A particularly important finding concerns information asymmetry. National governments occupy a structurally advantageous position because they participate directly in the Council and in negotiations concerning EU legislation. They consequently have continuous access to information, expertise and negotiation processes that may not be equally available to national parliaments. Formal access to EU documents is therefore not sufficient in itself; information

must also be available at a sufficiently early stage and in a form that allows parliamentary analysis.

The research also identifies time as an important element of parliamentary power. Parliamentary scrutiny that takes place only after important political decisions have already been made has a more limited capacity to influence the process. The short period available under the Early Warning Mechanism therefore represents not merely a procedural difficulty but a structural factor affecting the practical exercise of parliamentary power.

The findings further demonstrate the continuing significance of executive dominance. National governments are central actors in EU decision-making, while national parliaments primarily exercise scrutiny and accountability functions. Parliamentary influence is therefore frequently indirect and depends, at least in part, on the relationship between parliament and government. The effectiveness of parliamentary scrutiny consequently cannot be separated from the broader constitutional and political structure of the Member State.

The research contributes to the academic understanding of national parliaments by demonstrating that the post-Lisbon development should not be understood simply as a transfer of legislative authority from governments to national parliaments. Rather, national parliaments have acquired a more clearly defined intermediary role within the EU's system of multilevel governance. Their importance lies not only in their ability to intervene in particular legislative procedures but also in their capacity to connect European decision-making with national democratic accountability.

3. Utilisation and possibilities for further development

The findings of the dissertation have both scientific and practical relevance. At the scientific level, the distinction between formal parliamentary empowerment and practical parliamentary influence provides a framework that may be used in further comparative research on national parliaments and European integration. The framework can also be applied to other Member States and, with appropriate adaptations, to candidate countries preparing their institutions for EU membership.

At the institutional level, the findings indicate that strengthening national parliamentary participation should not focus exclusively on the creation of additional formal powers. Greater attention should also be given to the institutional conditions required for the effective exercise

of existing powers. Timely access to information, adequate administrative and analytical resources, early involvement in the legislative process and effective coordination between parliamentary and governmental institutions are particularly relevant in this respect.

The research is also relevant to possible future development of the Early Warning Mechanism. Proposals for mechanisms such as a green card or a red card could provide additional opportunities for national parliamentary participation. However, the effectiveness of any such reform would depend not merely on the formal extension of parliamentary powers but also on the institutional capacity of national parliaments to use them effectively. The findings therefore suggest that future reforms should address both the scope of parliamentary powers and the practical conditions of their exercise.

A further possibility for utilisation concerns the application of technological tools, including artificial intelligence, to parliamentary scrutiny. The large volume of EU documentation and the limited time available for parliamentary examination create a potential field for technological assistance. AI-based tools could support parliamentary administrations by assisting in the processing and summarisation of legislative documents, identifying potentially relevant legal issues and facilitating comparison with existing legislation. Such tools could be particularly useful for parliaments with limited administrative resources. At the same time, technological assistance should remain subordinate to human legal and political judgment and should serve to support, rather than replace, parliamentary decision-making.

The broader significance of the research lies in its contribution to the study of democratic legitimacy within the European Union. The findings demonstrate that national parliaments remain important institutional actors even where their direct legislative influence is limited. Their functions of scrutiny, accountability, information exchange and political communication contribute to the connection between European governance and national democratic processes.

The final conclusion of the research is therefore that the Lisbon Treaty significantly changed the formal legal position of national parliaments, but that the transformation of formal rights into practical influence remains dependent on a wider set of institutional and political conditions. The effectiveness of national parliamentary scrutiny ultimately depends not only on whether parliaments possess the relevant powers, but also on whether they have the information, resources, time and institutional autonomy necessary to exercise those powers meaningfully.

IV. LIST OF PUBLICATIONS RELATED TO THE PHD DISSERTATION

Marasović, Nikolina (2023), The development of the role of the National Parliaments in the European Union; Revista Romana de Istoria Dreptului/ Romanian Journal of Legal History, No. 1/2023 (under publication)

Marasović, Nikolina (2025), The Role of the Croatian Parliament (Hrvatski Sabor) during the negotiations and after full membership in the EU; The Central European Academy Law Review, No. 1 of 2025 (under publication)

Marasović, Nikolina. (2025), The Role of the Hungarian Parliament in the EU Affairs; International Criminal Law Association, Proceedings of the International Scientific Conference „Challenges of International Criminal Law and Criminal Law", Vol. 2, Belgrade 2025

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