

THE ROLE OF THE HUNGARIAN PARLIAMENT IN THE EU AFFAIRS

Abstract: This paper examines the evolving role of the Hungarian National Assembly in the European Union (EU) decision-making process. It highlights the historical development of parliamentary involvement in EU affairs, focusing on legislative oversight, parliamentary committees, and scrutiny procedures. The study explores the balance of power between the Hungarian Parliament and the executive branch, the institutional adjustments made to facilitate EU integration, and the mechanisms through which the National Assembly exercises control over government policies at the EU level. The findings suggest that while the Hungarian Parliament is essential in ensuring democratic legitimacy in EU affairs, challenges remain in fully integrating parliamentary oversight within the broader EU legislative process.

Keywords: the National Assembly, Parliamentary Committees, Parliamentary Control, Scrutiny Procedure, EU Decision-Making

1. INTRODUCTION

The article discusses the role of the Hungarian Parliament in the EU, taking into account the growing need in recent times to involve national parliaments in the legislative process at the EU level. This reflects the increasing role of national parliaments. In the early stages of EU development, national parliaments were minimally involved. However, rising concerns about the democratic deficit in the late 1980s led to efforts to engage national parliaments more actively. The first step in this direction was the establishment of COSAC in 1989. Over time, the involvement of national parliaments became a subject of debate, with some experts arguing that the role of the European Parliament was sufficient, while

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others emphasized that national parliaments could better address the democratic deficit through a more direct connection with citizens. In the case of Hungary, the National Assembly played a key role in the country's transition to democracy in the 1990s, especially during the EU accession process. This period was marked by significant constitutional changes aimed at balancing the powers between the executive and legislative branches, although the power of the executive later increased. The Hungarian Parliament (Országház) underwent various structural changes, shifting from a bicameral to a unicameral system and vice versa, and faced several challenges in reforming its legislative system after World War II. In terms of legislative oversight, the Hungarian Parliament has a multi-layered system for monitoring EU policies, covering constitutional, legislative, and sub-legislative levels. Through this framework, the Parliament ensures that the actions of the national government within the EU are subject to oversight, helping to address the EU's democratic deficit. The Hungarian Parliament has developed its legal frameworks for monitoring EU-related decisions, particularly through the laws of 2004 and 2012, which define its role in EU affairs and ensure the alignment of EU legislation with national law.

Generally speaking, the Hungarian Parliament plays a key role in shaping the country's integration process into the EU and overseeing government decisions related to the EU, thus contributing to a more democratic and transparent EU decision-making process. On the other hand, parliamentary committees (both permanent and temporary) play a crucial role in decision-making and legislative oversight in EU matters within Hungary. They influence policy, draft legislation, and monitor government actions, with the most prominent being the Committee on European Affairs. Established in 1992 and becoming a permanent committee in 2004, this committee monitors government positions and legislative plans related to the EU; however, its power is limited compared to other committees. The Hungarian committee system has evolved over time, with 14 standing committees existing by 2014. Special committees, such as the Legislative Committee established after 2010, refine legislation and often finalize decisions before plenary sessions, while the House Committee manages parliamentary work and procedures. Through its participation in the Early Warning Mechanism, the Hungarian Parliament, together with the other national parliaments of EU Member States, can oppose Commission proposals when it believes they violate the subsidiarity principle (Hungary joined the "yellow card" procedure in 2013). Despite some limitations, parliamentary committees remain key in aligning Hungarian law with EU standards and ensuring democratic oversight.

2. THE EMERGING ROLE OF NATIONAL PARLIAMENTS IN THE EU AFFAIRS

In the early days of the European Community, today's European Union, national parliaments were not on the agenda. Still, historically speaking, it seems

that parliaments themselves did not seem overly interested in becoming more actively involved. It was only in the late 1980s that a breakthrough was made, when concerns about a possible democratic deficit emerged, both due to the reduced role of national parliaments and the greater involvement of national governments and leaders than of national parliaments. However, during this period there were attempts to involve national parliaments more actively in European affairs, with the establishment of COSAC (i.e. the Conference of Community and European Affairs Committees of the Parliaments of the European Union) in 1989 being a major step forward. During the first periods, meetings were held every two years in the country holding the Council Presidency and included six representatives from each national parliament, including the European Parliament itself. Today, COSAC is less active and more of a platform for information exchange rather than policy-making.¹

However, over time, the question of the necessity for national parliaments to participate in the European Union's legislative process has increasingly come into focus, leading to divided opinions in theory. On one hand, experts who reject the need to strengthen the role of national parliaments argue that the expanded role of the European Parliament is sufficient. Since the introduction of the first direct elections in 1979, the European Parliament has strengthened its role—not only does it have directly elected representatives with a certain degree of democratic legitimacy, but it also holds responsibility for overseeing EU legislation and holding the European Commission accountable. The European Parliament's effective power to delay legislation has also been reinforced by the case law of the European Court of Justice (ECJ), which has ruled, among other things, that adopting a legislative act without prior consultation of the European Parliament is contrary to the spirit of the Treaty of Rome.² Furthermore, the European Parliament's powers have been expanded through later treaties, including the cooperation procedure established by the Single European Act and the co-decision procedure introduced by the Maastricht Treaty, which, as some scholars point out, granted the European Parliament the right to have the final say. Additionally, as the scope of the EU's activities expanded, so did the European Parliament's powers in shaping EU policies. It can be concluded that experts advocating against the need to strengthen the role of national parliaments in the EU justify their stance by arguing that the European Parliament is elected by the citizens of Europe and is an integral part of the EU's supranational structure. In contrast, national parliaments cannot claim the same, as, for example, before the Maastricht Treaty, they were not even recognized in treaties or given any formal role in the legislative process, which has primarily remained focused on overseeing their national governments. As these experts conclude, there is no need for national parliaments to participate when the European Parliament exists as a dedicated body whose

1 G. Barrett, *The evolving role of national parliaments in the European Union, Ireland as a case study*, Manchester University Press, 2018, 6.

2 Norton, "National Parliaments and the European Union", *Managerial Law*, 5-6/2003, 7.

fundamental role is precisely that. However, national parliaments continue to function in parallel, with the European Parliament exercising its powers concerning the EU while national parliaments exercise their authority over their respective governments.³

On the other hand, experts who advocate for strengthening the role of national parliaments argue that the main issue at stake is the democratic deficit at the EU level, which national parliaments are best positioned to mitigate. The strongest argument in favor of this view is the widely held belief that national parliaments are closer to their citizens than the European Parliament. This argument is further reinforced by comparing voter turnout in European elections with national elections, where turnout for the European Parliament is significantly lower. Ultimately, the involvement of national parliaments is particularly necessary in mediating between their citizens and the EU, given that EU citizens must accept the legitimacy of laws passed by EU institutions. This viewpoint was particularly prominent during the 1990s when it was strongly emphasized that national parliaments are the true bearers of democratic legitimacy in the EU and should remain so.⁴

3. NATIONAL ASSEMBLY AT THE BEGINNING OF A DEMOCRATIC TRANSFORMATION TILL THE ACCESSION TO THE EU

During the 1990s, some political science scholars, prompted by the similarities and differences between the political systems of the time, considered the origins of parliaments, which they linked primarily to the process of institutionalization accompanied by several key criteria, which they considered common to the countries of Central and Eastern Europe. It is also interesting to highlight the movement of public trust in parliamentary institutions, depending on which the transition to democracy primarily included a pronounced lack of public trust in parliamentary institutions precisely because of difficult economic conditions, but then also a growing trust in them due to the subsequently established economic prosperity and the effectiveness of governments in dealing with the previous conditions.⁵ Thus, in the case of the Hungarian Parliament, they conclude that the Hungarian Parliament, according to the model provided for by the 1989 Constitution, aimed to establish a competitively dominant legislative body with strong committee systems and conflict management mechanisms. However, such a model did not last long, given that the 1990 Constitution had significantly changed it. Thus, with the new amendment, the Hungarian Parliament was marked

3 *Ibid.*, 8.

4 *Ibidem.*

5 More on this topic see: J. R. Hibbing and S.C. Patterson, "Public Trust in the New Parliaments of Central and Eastern Europe". *Political Studies* (1994). XLII, 571.

by the characteristics of a subordinate legislative body, in which the executive branch has significant legislative power, regardless of efforts towards a balance of power. Finally, over time, the Hungarian parliament played a crucial role in the constitutional process that shaped the country towards democracy, although, as the aforementioned scholars point out, it was marked by weaker checks on the executive and the management of political conflicts.⁶

From a political science perspective (also by the aforementioned scholars), the path of policymaking in the Hungarian parliament has been marked by significant transformations, in the early stages of democracy. The roles of the first and second Hungarian parliaments were of paramount importance in shaping the political landscape of the country, while their effectiveness depended on structural challenges, ideological conflicts, and evolving approaches to governance. However, both the first and second Hungarian parliaments showed progress in maintaining the complex process of establishing an effective and democratic legislative system.⁷

Some scholars draw parallels between Hungary's early democratic system and the German constitutional model, highlighting its well-balanced division of power between the executive and legislative branches. Unlike traditional parliamentary systems, this structure ensures that the limitations on authority are evenly distributed. As a result, the government faces significant restrictions in dissolving parliament and is less affected by shifts in parliamentary majorities, while the legislature has fewer opportunities to propose no-confidence motions or remove the government from office. This institutional framework proved to be durable over time. Even after the Hungarian parliament adopted a new constitution in 2011, introducing various reforms, the fundamental institutional balance remained intact. To this day, it continues to function based on the principle of equilibrium between the two branches. However, legal system analyses must account for ongoing political shifts, which are often influenced by informal political dynamics. These shifts tend to reinforce executive power at the expense of the legislature, sometimes occurring outside the formal constitutional framework.⁸

While such developments do not directly modify the constitution, they still significantly impact the role and authority of national parliaments. Scholars argue that this trend is particularly evident in Hungary, where the government maintains a degree of independence from parliament. However, their relationship was formally defined in 2004 during the "EU Consultation Meeting," leading to the

6 A. Ágh, "The Experiences of the First Democratic Parliaments in East Central Europe", *Communist and Post-Communist Studies*, University of California Press, 2/1995, 211–212.

7 A. Ágh, "Parliaments as Policy-Making Bodies in East Central Europe: The Case of Hungary", *International Political Science Review*, 4/1997, 417–432, 424–429.

8 T. Navracsics, "Europeanisation or simply Institutional Change? The Impact of the EU Membership on the Polity of Hungary", *Pro Publico Bono – Public Administration*, 4/2021, 6–19, 9–10.

adoption of Act LIII of 2004 on cooperation between Parliament and the Government on European Union Affairs. This law was later revised by Act XXXVI of 2012, renaming the body as the Consultative Body on EU Affairs.⁹

4. STRUCTURE AND POWERS OF THE NATIONAL ASSEMBLY (ORSZÁGHÁZ)

Looking back over the long history of the Hungarian parliament, it has changed several times from a unicameral to a bicameral system. Since the early 17th century, it has been bicameral, with the upper house composed of the clergy and nobility, and the lower house occupied by the lower classes of the nobility. Over time, the parliament has changed from bicameral to unicameral and vice versa. Thus, in the 17th century (during the revolution under the Habsburg dynasty in 1848), the lower house was filled with the people's representative body, with the name itself changing somewhat later concerning the upper house. Furthermore, the national assembly was elected only in 1929 and consisted only of the Lower House (the reasons for this are the problems of the previous parliament's limited voting rights, but also the refusal of the upper house to change its composition). Somewhat later, in 1926, the House of Lords Act re-established the second house, which nevertheless placed some limitations on the powers of the House of Lords, but this did not last long, as the powers of the House of Lords were restored in 1937. Finally, in 1945, the House of Lords was abolished as part of a broader political system reform after World War II, and a reorganized unicameral national assembly was retained to this day.¹⁰

When it comes to a process of Hungary's accession to the European Union, it was similar to that of other Central and Eastern European countries, during which Hungary had to undergo a series of reforms of an economic, political, and legal nature, where of course the role of the Hungarian Parliament was of exceptional importance. The Hungarian Parliament, or National Assembly (Hungarian: Országgház) is a unicameral parliament representing the highest body of national representation in which popular sovereignty is exercised through elected representatives, as stipulated in Art. B (4) of the Fundamental Law of Hungary (the Constitution). The same is confirmed in Article 1 of the Fundamental Law, which stipulates that the Parliament is the highest body of national representation.¹¹ Furthermore, Article 2 of the Fundamental Law stipulates that general elections

⁹ *Ibid.*, 11–12.

¹⁰ More on this topic see: I. Szabó, "The Constitutional Development of Hungary After 1918", *Comparative Constitutionalism in Central Europe: Analysis on Certain Central and Eastern European Countries*, Central European Academic Publishing, Miskolc, Budapest, 2022, 77–79.

¹¹ The Fundamental Law of Hungary, (as in force on 23 December 2020). English translation of the consolidated version incorporating ninth versions of the Fundamental Law of Hungary, can be found on the following webpage: <https://www.parlament.hu/docu->

for members of the Hungarian Parliament, the National Assembly, shall be held in April or May of the fourth year following the election of the previous National Assembly, excluding the case of extraordinary elections before or after the constitutionally prescribed period due to the voluntary or compulsory dissolution of Parliament (Article 2(3)). Elections are traditionally held on Sundays, and the duration of the mandate of Parliament is set at four years, with the exact date of the elections determined by the President of the Republic.¹²

However, concerning the issue of basic rules and principles of the electoral system, these are defined in a special law passed by parliament after the constitutional activities of 2011, the Act CCIII of 2011 on the Election of Members of the National Assembly.¹³ Before adopting the mentioned electoral law, the Hungarian Parliament comprised 386 representatives. However, the amendments reduced this number to 199. At the same time, changes were made to the electoral system itself, introducing a three-tier election process, which included a national compensatory constituency, single-member constituencies, and regional multi-member constituencies. Under the amendment, 106 representatives are elected directly in single-member constituencies, while the remaining 93 seats are allocated from national lists. Although the electoral system remained mixed, voters continued to cast two votes—one for a candidate in their constituency and another for a party's national list. The system was also simplified by eliminating the second electoral round. Regarding the threshold for parliamentary representation, parties must secure at least five percent of the total vote. Additionally, the requirements for candidacy and the formation of party lists became stricter, with an increased number of required signatures and higher thresholds for presenting a national list. Notably, special provisions were introduced for national minorities in Hungary, allowing them the opportunity to gain representation through a dedicated list.¹⁴

In terms of the mandate of parliamentary representatives, the rules are similar to those in other European countries. The Constitution thus guarantees the equality of representatives in their rights and obligations, emphasizing that they perform their activities in the public interest, while the conditions for the termination of the mandate are listed in order. Likewise, with regard to the last condition, when a representative has not participated in the work of Parliament for a year, its non-fulfillment will be decided by a two-thirds majority of all representatives present. With regard to the rules on incompatibility or conflict of

ments/125505/138409/Fundamental+law/73811993-c377-428d-9808-ee03d6fb8178. asp, 7th January 2025.

12 *Ibidem*.

13 National Assembly of Hungary, Act CCIII of 2011 on the election of the Members of the National Assembly (as in force on 21 January 2021), English translation of the consolidated version of the Act is available at official webpage: <https://njt.hu/jogszabaly/en/2011-203-00-00>, as 24th January 2025.

14 G. A. Tóth, "Hungary", *Constitutional Law of the EU Member States* (eds. L. Berselink, Bovend'Eaert *et al.*) Kluwer a Wolters Kluwer business, Denver, 2014. 796–798.

interest in relation to representatives, the existing prohibitions apply to management positions in state or private companies (representatives are obliged to list their assets), while a two-thirds majority is also required to determine a conflict of interest.¹⁵

Further, in addition to the relevance of the Fundamental Law, it is important to point out that the Fundamental Law (in its Art. T) establishes four tiers of legislation that are structured hierarchically. This means that no act or regulation can be in conflict with the fundamental law, laws, etc. Fundamental laws are the first level, followed by laws passed by parliament (*törvény*), government and ministerial regulations (*kormányrendelet/miniszteri rendelet*), which are passed by the entire government or by a single minister and only take effect after being published in the *Magyar Közlöny*, Hungary's official gazette, and finally local government regulations (*önkormányzati rendelet*). The majority of legislation in parliament are passed by a simple majority, but in case of the so-called „cardinal laws“ (*sarkalatos törvény*) it is needed a qualified majority. In cases when there is lack of qualified majority in parliament, cardinal laws can actually make it more difficult to amend regular laws, even though practically there isn't a hierarchy in theory. Furthermore, although the fundamental law stipulates that some matters must be governed solely by law, it also grants parliament the authority to regulate any area that was previously unregulated or only partially regulated. Once a law has been passed, it can only be changed or repealed by another law. As a result of the latter, a remarkably high number of laws have been passed over time.¹⁶

5. PARLIAMENTARY OVERSIGHT OF GOVERNMENT EU POLICIES

In general, Hungarian legislation allows for three layers of parliamentary monitoring of EU decision-making: constitutional, legislative, and subordinate legislation. Regarding the constitutional level of supervision, with the Constitution Amendment at the end of 2002, it was added so-called European clause to Article 2/A, which states that the EU gets its authority from its member states and establishes the boundaries of the transfer of sovereignty. Additionally, with respect to legislative oversight, Article 35/A of the Constitution, which also governs the duties of mutual cooperation, in addition to the latter Article, states that the Government shall furnish Parliament with all information pertaining to proposals that are currently being considered at the EU level. Last but not least, Act LIII of 2004 provides for the subordinate legislation level of control. It governs the latter's cooperation in greater detail and simultaneously establishes three

15 *Ibid.*, 798.

16 S. Zsolt, „Hungary”, *The Cradle of Laws: Drafting and Negotiating Bills within the Executives in Central Europe*. (ed. R. Zbiral), Baden-Baden, Nomos, 2020, 87–88.

primary tools for monitoring the national assembly's examination of EU issues. This includes both traditional oversight (debates, questions, and interpellations in plenary) and specialized oversight (analysis of government opinions, adoption of specific parliamentary opinions, and the process for choosing pertinent proposals). Last but not least, a third tool of supervision is forecasted, which consists of hearings and the filing of reports on the actions of the EU government. In further text, it will go into greater detail on parliamentary oversight issues.¹⁷

Parliamentary oversight guarantees that national parliaments can participate in a way that allows them to express their opinions concerning the prominent positions of their governments or representatives of ministries. Therefore, national parliaments are provided with a tool that guarantees their ability to control the democratic nature of decisions made by the actors of the intergovernmental structure in the European Union, that is, to control the responsibility of their ministers, through the mechanism of monitoring activities. Given that the Council of Ministers of the European Union consists of national ministers who speak on behalf of their governments and thus impose obligations on their states, it is necessary to have supervision over their responsibilities, and this is made possible through the approval of the parliamentary oversight mechanism. Through parliamentary supervision, national parliaments are thus enabled to politically control the views of government representatives at Council meetings, which is ultimately extremely important because they not only control their own governments at the national level but also in relation to maintaining the possibility of exercising constitutional and political rights to control the decisions of their own governments in EU legislative procedures. Likewise, through increased supervision over the activities of governments, not only do national parliaments have an indirect opportunity to participate in the EU decision-making process, but this improves the democratic deficit of the European Union. Therefore, at the same time, the parliaments' control over their governments strengthens the legitimacy of the government's actions, as well as the parliaments' participation in determining the national position for the decision-making process in the EU, all of which contribute to the strengthening of the democratic deficit.¹⁸

When it comes to Hungary's transition toward EU integration in the late 1980s and 1990s, the Hungarian National Assembly played a crucial role. It was regarded as a key driver of democratization, similar to other Central and Eastern European countries, where parliaments were central to systemic change. One of the initial steps in strengthening the parliament was the 1989 constitutional amendment, which introduced a two-thirds-qualified majority vote and prohibited the head of state or government from dissolving the parliament. However, a subsequent

17 K. Szalay, A. Juhász-Tóth, "Control of EU Decision-making in the Hungarian National Assembly: the Experience of a new Member State", *National Parliaments and European Democracy. A Bottom-up Approach to European Constitutionalism*, (eds. O. Tans, C and J. Zoethout), Europa Law Publishing, Groningen 2007, 123–124.

18 T. Takács, *Participation in EU Decision Making, Implications on the National Level*, T.M.C. Asser Press, 2009, 220.

amendment aimed to bolster the executive branch by reducing the use of the two-thirds majority vote and allowing for a constructive motion of no confidence. These constitutional changes strengthened Hungary's unicameral parliament, which plays a vital role in maintaining the country's constitutional order.¹⁹

The Hungarian Parliament's involvement in EU affairs is governed by legislation enacted in 2004 and 2012. Act LIII of 2004 on Cooperation between the Government and Parliament in EU Affairs was a key requirement for Hungary's accession to the EU. This law establishes broad and general provisions, which were later elaborated through specific regulations and updated articles that clarify procedural details. On the other hand, Act XXXVI of 2012 on the National Assembly provides a more comprehensive framework for the Parliament's role in EU affairs, dedicating an entire chapter (VI) to this matter. It also incorporates sections from the Parliament's Standing Orders, offering a clearer definition of the oversight process, the participants involved, and the regulations governing EU-related supervision and decision-making. The legislative role of Parliament in EU affairs is primarily evident in its responsibility to enact laws in areas that require parliamentary regulation. In addition to the Constitution, the legislative framework is also shaped by Act CXXX of 2010 on Legislation. When EU legislation must be integrated into national law and falls within the scope of this act or the Constitution, Parliament either enacts new legislation or amends existing laws to ensure alignment. In such instances, the adopted EU-related laws hold the same hierarchical status as national legislation.²⁰

6. THE COMMITTEES AND THEIR ROLE IN THE EU DECISION-MAKING

Much of its work is carried out through committees composed of parliamentary members. In terms of the nature of committees, they can be standing (permanent) or temporary (inquiry or *ad hoc*), while their representatives are usually experts in the required field. The importance of committees is reflected both in their wide range of activities and in their significant role in the legislative process itself. Committees, along with the opposition and parliamentary parties in power, play a crucial role in the process by influencing policy and making key changes to the law, in contrast to parliament, which has a medium level of political influence.²¹

Parliamentary committees are an extension of parliaments, which in the Hungarian system had much broader powers than committees in other European

19 *Ibid.*, 233–234.

20 G. Ilonszki, „The Hungarian Parliament and EU Affairs: A Modest Actor Dominated by the Executive“, *The Palgrave handbook of National Parliaments and the European Union* (eds. Hefftlar, Neuhold, Rozenberg and Smith), Palgrave Macmillan, 2015, 534.

21 T. Takács, *op. cit.*, 234.

countries. The Hungarian Constitution thus provided for the legislative and political powers of committees when it stipulated that they can approve and initiate legislation, and it also provided for certain political functions of committees when it stipulated that committees can question anyone to obtain information on a specific issue.²²

The decision on the formation of committees, the system of standing committees, their number, activities, names, and individual officials to be elected as their members is usually made by the National Assembly at its constituent session. However, since the beginning of the 1990s, the standing committee system has often been formed or changed by agreement between parliamentary groups. Likewise, the competencies of standing committees and other details may be adjusted to the requirements of the government, but also to the needs of the National Assembly, when it comes to the need to resolve internal issues of the assembly itself, for example, issues of the status of representatives.²³ Therefore, it can be said that depending on the needs and the stage of the EU integration process, the national assembly adjusted its committees. Thus, during the accession process, the Committee on European Integration was established, the main purpose of which was to supervise and facilitate the integration process itself, and monitor the accession negotiations with a special focus on harmonizing legislation with the necessary EU standards. Immediately after accession to the EU (1 May 2004), the main goal was set to determine the possibilities and ways in which Hungary would actively participate in EU affairs. Thus, the previously mentioned committee changed its name to the Committee on European Affairs, where its role is now to monitor the activities of its own government in EU affairs, but also to consider draft laws and ultimately to represent the position of its own country in the EU. Also, with the entry into force of the Lisbon Treaty, this committee has an additional role given to it by the national assembly, when it is included in the procedures for examining the principle of subsidiarity, participates in the work of the Advisory Body for EU Affairs and finally participates in the conduct of political dialogues with the Commission.²⁴

The parliament created 14 standing committees in the early 1990s (electoral cycle 1990–1994), but this number has fluctuated over time. It first increased for many years, reaching a record 25 standing committees in 2002–2006. Since then, this number has been declining, and as of nowadays, the overall number has remained at 14 (excluding the Committee on Legislation and the Committee for National Minorities in Hungary) from 2014 to 2018. The law's provisions and

22 *Ibid.*, 236. Note: This broader role of committees was the provision of the earlier Hungarian Constitutions, from 1949, so called Act XX of 1949.

23 Hungarian National Assembly, About parliamentary committees, Official webpage of National Assembly: <https://www.parlament.hu/web/house-of-the-national-assembly/about-standing-committees>, asp, 10th January 2025.

24 House of the National Assembly, Operation of the National Assembly. Official webpage of National Assembly: <https://www.parlament.hu/web/house-of-the-national-assembly/operation-of-the-national-assembly>, asp, 11th January 2025.

the Rules of Procedure state that standing committees are parliamentary bodies with the authority to take initiative, voice opinions, make proposals, participate in government oversight, and ultimately make decisions in line with those recommendations. Therefore, in addition to supporting the National Assembly's legislative and oversight functions, the committee's goal is to increase the effectiveness of parliamentary debates by holding in-depth discussions in committee sessions rather than plenary sessions. As a result, the committees can independently initiate a debate on any topic they deem significant for the state and have jurisdiction over all matters that the National Assembly does. Lastly, when committees hold candidate hearings, they contribute significantly to the National Assembly's personnel decision-making process. Although it is crucial to stress that the importance of the work varies depending on the committee in question, it can be inferred that the committee's activities are closely tied to the primary duties of the National Assembly. The committees also establish subcommittees to which they assign specific responsibilities, which are crucial for keeping an eye on how laws are being applied, their effects on the economy, and the deregulation process as a whole.²⁵ Ad hoc committees are usually established by the National Assembly during periods when it is necessary to carry out current affairs, while inquiry committees, in contrast, are formed to investigate in more detail a specific matter, which is most often related to the responsibility of the government or ministers. The work of investigative committees is regulated in more detail in Articles 24-27 of the Law on the National Assembly. One-fifth of the members have the right to submit a proposal for the establishment of an investigative committee, after which the Parliament votes on its establishment. During an entire parliamentary mandate, both types of committees can be established and dissolved continuously, while their duties are determined by the Resolution of the Parliament.²⁶

Another important committee that assists the National Assembly, and has been doing so since 1990, is the House Committee, which is headed by the President, and the remaining membership consists of the Vice-Presidents, including the Speaker of the National Assembly, and the leading leaders of other parliamentary groups. The main function of this chamber is to ensure the smooth operation of the National Assembly, including all related actions or consequences that may arise and disrupt the work of the National Assembly. Therefore, this body is responsible for organizing the work schedule of the Assembly, and unlike other committees, its main role is precisely in preparing the necessary conditions for the adoption of parliamentary decisions, whereby the schedule of the Assembly's work agenda includes proposing subjects and the manner in which submissions will be discussed, which is also the reason why there are two standing items

25 Hungarian National Assembly. About parliamentary committees. Official webpage of National Assembly: <https://www.parlament.hu/web/house-of-the-national-assembly/about-standing-committees.asp>, 12th January 2025.

26 *Ibidem*.

on the agenda of the House committee meeting. These two standing items include, on the one hand, the proposed detailed agenda for the upcoming plenary session, and also the schedule of the provisional agenda for the upcoming three sessions. Likewise, the house committee gives the assembly an opinion on whether a certain discussion should be open to the media, answers, among other things, to the actions of members in disciplinary matters, and can also propose to the Assembly to discuss some submissions that are contrary to the Rules of Procedure, can propose a fixed duration of the speaker's presentation and a different time frame than the standard one. Therefore, the main task of this body is to create conditions for the smooth work of the Assembly, with the main guiding thread being to implement opinions based on consensus.²⁷

With regard to the mentioned Legislative Committee, which was formed as a result of the changes in the committee system of the National Assembly after 2010, it is important to mention the importance of this committee, whose role is not primarily oriented towards preserving the constitutionality of legislation as a technical body, as is most often the case in other countries that have such committees. The role of the Legislative Committee, however, was manifested through the preservation or supervision of the parliamentary majority as a kind of supercommittee, which in principle implies that it has the authority to replace even the majority opinion of the competent standing committee, while its main task is to participate in the preparation of refined texts of draft laws and preferred proposals for amendments. Thus, this committee, due to its powers, unlike the plenary session itself, which often does not have the opportunity to discuss draft laws or a package of amendments in detail, takes on this role of discussion, which at the same time makes plenary sessions purely formal. For this very reason, some scholars even call it a small parliament, because ultimately, due to the lack of time for discussion, the plenary session can only reject or adopt the proposed legal amendments by this committee, regardless of their content.²⁸

6.1. The European Affairs Committee

A committee responsible for EU Affairs has existed in Hungary since 1992 under a different name, but after the Hungarian accession in 2004, it changed its name to the current. The Committee on European Affairs of the Hungarian Parliament (here and after: the committee) was established as one of the first committees of its kind in Eastern and Central Europe and it was at that point an *ad hoc* committee, and two years later it became a permanent committee.²⁹ The Committee was entrusted with several important tasks, primarily decision-making in procedures

27 *Ibidem*.

28 Z. Szente, "The Twilight of Parliament – Parliamentary law and practice in Hungary in populist times", *International Journal of Parliamentary Studies*, 1/2021, 131–132.

29 Note: The previously mentioned Act XXXVI from 2012 stipulates permanently establishing of the Committee for European Affairs.

related to EU affairs, which was later regulated in Act XXXVI of 2012 on the National Assembly.³⁰

In terms of the committee's formal functions, its oversight role is particularly significant, especially when the Hungarian government presents its stance on the negotiating position before the EU Council. At the start of each EU Council presidency, the government compiles an indicative list of key issues relevant to Hungary's interests that are part of the EU's decision-making process. As part of this, the government must justify the legislative importance of the proposed matters, along with a pre-drafted statement of its position. This proposal must include several essential elements: an outline of the EU initiative, a description of the decision-making process with an estimated timeline, the intended goal and supporting reasons, the government's official stance, and any potential legal implications arising from the initiative. Throughout this process, the EU Coordination Committee plays a crucial role. Acting as a governmental body, it conveys the government's positions to the relevant committee. Operating under the full authority of the Minister of Foreign Affairs, the Coordination Committee is responsible for supervising parliamentary oversight and formulating the government's final positions. The Regulation Committee consists of deputy secretaries from all ministries, with their responsibilities clearly outlined in a government decree (1169/2010, VIII. 18.). It is also interesting to point out that both the Parliament and the EU Affairs Committee can request the government to submit its proposal on any position the government has adopted regarding EU legislation, but ultimately the decision on whether to submit it or not usually remains at the discretion of the government.³¹

Some of the scholars pointed out that EU Committees are kind of specific in comparison with other committees, because they encompass a completely different scope of work, so unlike other standing committees, they act comprehensively on the entire spectrum of issues and areas of Europeanization, which in the end-point them out as guardians, or as in the scientific terms the phrase "watchdog" has become established in connection with EU affairs. However, since European issues are only discussed in EU committees and decisions are made elsewhere, the ruling parties' interest in controlling the EU affairs committee is not as great as their interest in controlling other significant resident committees. According to the same authors, this special committee for EU affairs still plays a supporting role in determining these policies, even though it is crucial for EU collaboration.³²

30 Note: The Act XXXVI of 2012 on the National Assembly defines in Chapter III all necessary details about standing committees, from Section 13 to Section 21. Afterward, in later provisions, it regulates each of the committees separately. Namely the committee on legislation, the committee representing national minorities, ad hoc committees, and the committee of inquiry, while by the end of the same Chapter, it regulates all the details of the latter committee about investigating activity.

31 G. Ilonszki, *op. cit.*, 536.

32 A. Ágh, "Europeanization and Democratization: Hungarian parliamentary committees as central sites of policy-making", *The Changing Roles of Parliamentary Committees*, (eds. L. Longley and A. Ágh), 19 Wisconsin, Lawrence U. 1997, 99–104.

In conclusion, the role and function of the European Affairs Committee in matters of EU affairs is more important than the plenary session or any other committee, given that it is the committee that has a special place in taking an official position on government proposals and can do so without the additional opinion of the permanent committee responsible for a certain policy area.

7. LEGISLATIVE PROCESS: HOW EU LAW IS ADOPTED

The role of national parliaments as guardians of the principle of subsidiarity is anticipated (in greater detail than was previously anticipated by the Constitutional treaty) based on Protocol No. 2 of the Treaty of Lisbon on the application of the principles of subsidiarity and proportionality.³³ Additionally, the Protocol allowed national parliaments to voice their opinions, or what is known as a reasoned opinion, regarding the Commission's proposed legislation, effectively in some way making them the protectors of the subsidiarity principle.³⁴ In order to develop the position of the Member State with regard to draft legislation of EU institutions that function through the involvement of national governments, the subsidiarity examination of draft legislation is closely related to the cooperation procedure of Parliament and Government. Additionally, Article 8 of Protocol (No. 2) states that an action for annulment against already-enacted law may be taken before the European Court of Justice (a posteriori) in respect to subsidiarity investigations.³⁵

Among the first steps in preparing national systems for EU membership are considered the transfer of competencies and the very provisions on authorization, the adaptation of Community law into the national legal framework, and, in general, openness to Community law. Thus, the authorization for the transfer of competencies significantly changes the constitutional order in national legal systems. This can be observed in the practice of most countries, which have introduced special constitutional provisions regulating the transfer of competencies, either generally towards international organizations that address this issue or explicitly towards the EU. One of the consequences of this process of transferring powers is the restructuring of national governance, meaning that legislative powers are reduced while the role of the executive branch in the decision-making process within the EU is strengthened.³⁶

33 Note: Since the implementation of Law LIII of 2004 on the collaboration of the Government in matters relating to the European Union, (passed as a result of the Maastricht Treaty), the right of the parliaments of member states to review proportionality and subsidiarity has been regulated. Although the Hungarian Parliament has a rather lengthy tradition of conducting subsidiarity studies, the Treaty of Lisbon greatly expanded the power of the member state parliaments.

34 F. Gárdos-Orosz, "The Constitutional and Statutory Framework of the Application of EU Law in Hungary", *Acta Universitatis Carolinae-Iuridica*, 4/2013, 326.

35 *Ibidem*.

36 T. Takács, *op. cit.*, 49–51.

In Hungary, preparations for EU accession primarily involved drafting constitutional amendments that would integrate Community (EU) law into the national legal system. The first step in this proposal aimed to clarify the relationship between Community law and national law by reinforcing the supremacy of Community law. However, this approach was not particularly successful, given the stance of the Hungarian Constitutional Court on the revision of international treaties and the general political climate. Ultimately, the amendment attempts resulted in the omission of any explicit definition of supremacy, leaving the relationship between national and Community law undefined. This lack of clarity posed a potential risk for the application of EU law in Hungary, leading to legal uncertainty for citizens and raising concerns about Euroscepticism, ultimately hindering the adaptation of the national judiciary to Community law. Furthermore, this issue is reflected in the actions of the Hungarian Constitutional Court, especially regarding the review of Community legislation. A system without explicit constitutional provisions and with broad judicial powers could potentially lead to contradictory rulings, thereby undermining the supremacy of EU law. Later on, in many cases, the Hungarian Constitutional Court (drawing from previous rulings of the German Constitutional Court) reviewed the compliance of EU secondary legislation with the Hungarian Constitution, aligning itself with the German precedent rather than fully respecting the supremacy of EU law. The actions of regular Hungarian courts in applying EU law are primarily reflected in the submission of preliminary questions to the Court of Justice of the European Union. However, while strengthening their powers and increasing the frequency of such reviews could better align the Hungarian legal system with EU principles, their role remains somewhat unclear.³⁷

As was previously mentioned, Protocol No. 2 of the Treaty of Lisbon was the biggest turnover for the role of national parliaments with this tool of controlling the principle of subsidiarity. This kind of control of EU legislation by national parliaments is enabled, so that the Commission is obliged to simultaneously submit the proposal of each EU legislative act to the European Parliament and the Council, as well as to the national parliaments, who then have the option, within eight weeks of the delivery of the translation of the legislative act, to submit their so-called reasoned opinion (sort of objection) to the Commission's proposal. In that reasoned opinion, they express their point of view, that is, they explain why they believe that the specific legislative act violates the principle of subsidiarity. In cases where one-third of national parliaments express concern through a reasoned opinion, the draft proposal is subjected to verification (a kind of audit) and this procedure is called "a yellow card" (and the entire mechanism is called an early warning mechanism precisely because of the possibility of intervention in the early phase of the legislative procedure when the proposal has not yet become law), while in cases where the proposed legislative acts touch the area of freedom, security and justice, then the threshold is one

37 *Ibid.*, 60–64.

quarter. Reasoned opinions of national parliaments are counted as votes, so the reasoned opinion of each national parliament is worth 2 votes (in the case of bicameral parliaments, each chamber has the right to one vote, and in the case of unicameral parliaments, the reasoned opinion is worth 2 votes). If the expected number of votes is reached and the verification procedure is initiated, the Commission (as the most common initiator of legislative proposals) must review its proposal again, where it can decide whether to keep, amend, or withdraw it, but must justify its decision.³⁸

The second procedure occurs when in the regular legislative procedure the number of reasoned opinions reaches one-half, it is called an “orange card” procedure, which as a final result can block the legislative procedure. So, here the Commission, in the case of reaching a rank of one-half, must reconsider its proposal, whereby the Commission has the same options as in the case of a yellow card, it can keep, supplement, withdraw, or keep its proposal, in the case of the latter, it must justify its decision. Furthermore, if the proposal remains unchanged, with concerns about subsidiarity, the Commission must send it to the Union legislator (the Council and the European Parliament) who must resolve them before the end of the first reading. However, if a majority of fifty-five percent (55%) of the Council or the European Parliament states that the proposal does not comply with subsidiarity, the proposal will be rejected and will not be discussed further. It is important to note that the orange card procedure has never been used, i.e. the corresponding majority has never been reached, while the yellow card case has been used three times so far.³⁹

The first yellow card was launched in 2012, the so-called Monti II proposal for a Council regulation. In the framework of the freedom of establishment and the freedom to provide services, the proposal sought to establish general principles and rules applicable at Union level in relation to the exercise of the fundamental right to take collective action. The Commission eventually decided to withdraw its proposal, but apparently for other reasons (most likely due to opposition from some Member States in the Council, or because it saw little chance that the proposal would gather the necessary political support for adoption), as it continued to consider in its decision that the principle of subsidiarity was not infringed.⁴⁰

In 2013, a second yellow card was launched against the Commission's proposal for a regulation establishing a European Public Prosecutor's Office (EPPO). After examining the reasoned opinions, the Commission decided to maintain its proposal unchanged, considering it to be in line with the principle of subsidiarity. (Although subsequently, the final law was significantly revised, influenced by

38 T. Jans and S. Piedrafita. “The Role of National Parliaments in European Decision-Making”. *EIPASCOPE*, 1/2009, 23.

39 *Ibid.*, 24.

40 D. Fromage, V. Kreiling, “National Parliaments’ third yellow card and struggle over the revision of the posted workers directive”, *European Journal of Legal Studies*, 1/2017, 128.

concerns from national parliaments).⁴¹ Finally, the third card was launched in 2016, in relation to the Directive on posted workers. Most of the countries that opposed the proposal were from Central and Eastern Europe, citing concerns about the law's impact on cross-border services. Ultimately, in this case, too, the Commission concluded that its proposal was in accordance with the principle of subsidiarity and decided to keep it.⁴²

Finally, taking into account that national parliaments have adapted to the process of European integration in a similar, but not identical manner, in order to compare their level of activity, some scholars believe it is necessary to apply several criteria or classifications.⁴³

Thus, in the first group, parliaments can be classified according to their institutional strength (including the subcategories of weak, strong, and moderately strong parliaments), depending on specific institutional provisions. For example, countries such as Austria, Finland, and Denmark, as well as most Central and Eastern European countries — including Hungary — are considered to have parliaments with strong institutional strength, while countries with weaker institutional strength include Greece, Portugal, Belgium, and others. Another method of classification relates to the activity of national parliaments in EU affairs — for example, parliamentary debates on EU topics, parliamentary statements, meetings of the European Affairs Committee, and so forth. Based on this activity, parliaments are divided into three subcategories: active, moderately active, and least active (Hungary falls into the category of the least active).⁴⁴ The second group is classified based on documentation, where the focus is on parliamentary activities relating to monitoring EU legislative acts and documents, including adopting resolutions and obtaining additional information (Belgium, France, Germany, and others can be counted in this group). The final group consists of parliaments that focus on questioning the government, adopting proposals and reports on politically significant issues, without systematic oversight of the government's and the Council's actions (examples of countries in this category would be Greece, Portugal, and Spain). In some parliaments, there is also an obligation for the government to report to parliament not only in advance but also afterward — as is the case with the Austrian Parliament. In the case of the Hungarian Parliament, the government sends reports and summaries regarding selected EU proposals for oversight.

In conclusion, it can be said that there is a certain connection between the formal powers of a parliament and its involvement in European affairs. In other

41 A. Cygan, "Participation by national parliaments in the EU legislative process", *ERA Forum*, 22/2021, 429.

42 D. Fromage, V. Krelinger, *op. cit.*, 131–132.

43 N. Brack, "The Parliaments of Europe: full part actors or powerless spectators? A state of play 2010–2020" The study requested by the AFCO committee, *European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs Directorate-General for Internal Policies*, PE 698.534- September 2021, 53–54.

44 *Ibidem*.

words, the stronger the institutional power of a parliament, the more active and engaged it tends to be in EU affairs, although this also depends on the engagement of individual members of parliament and the relationship between the government and parliament.⁴⁵

8. CONCLUSION AND FUTURE CHALLENGES

The role of national parliaments in the context of solving the democratic deficit at the EU level, by means of a more direct connection with citizens, remains an open question, especially considering that national parliaments are still not so established in the activation of the early warning mechanism (yellow cards) in the European legislative process. The principle of subsidiarity thus became more often used as a political argument than exclusively as a legal remedy. In Hungary, after the entry into force of the Treaty of Lisbon, the national parliament thus gained a stronger role in monitoring EU legislative proposals, where the parliamentary committee for European affairs played a key role. Its role was to participate in the process of assessing violations of the principle of subsidiarity with the authority to propose questions for plenary discussion. Through practice, it has been shown that committee members dealing with EU issues are capable of making responsible decisions aimed at protecting Hungarian interests, with certain political support and a well-organized control system. Finally, considering that the yellow card procedure has only been launched on three occasions since its introduction, and the orange card procedure not once, it remains to be seen how much potential national parliaments can actually exploit to increase their role and contribute to resolving the democratic deficit.

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45 *Ibid.*, 56–57.

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THE ROLE OF THE HUNGARIAN PARLIAMENT IN THE EU AFFAIRS

Summary

The Hungarian National Assembly has played a crucial role in shaping and scrutinizing the country's engagement with the European Union. Over time, its role has expanded from a largely passive body to an active participant in EU affairs, exercising oversight over government decisions and ensuring alignment with EU legislation. The establishment of parliamentary committees dedicated to EU matters, as well as specific scrutiny mechanisms, has enhanced the Assembly's ability to influence decision-making at both the national and European levels. However, challenges remain, particularly concerning the balance of power between the executive and legislative branches, as well as the effectiveness of parliamentary oversight in practice. While formal structures exist to enable the Hungarian Parliament to engage in EU affairs, political dynamics and government dominance often limit its impact. Going forward, further institutional reforms and stronger enforcement of parliamentary scrutiny mechanisms could enhance the National Assembly's role in ensuring democratic legitimacy in Hungary's participation in EU governance. Addressing these challenges will be key to maintaining a robust parliamentary role in EU affairs and strengthening democratic accountability within Hungary's political system.

Keywords: The Hungarian National Assembly, the Fundamental Law, Parliamentary Committees, Monitoring EU Law, Principle of Subsidiarity.