

OPAL Country Reports

The Slovak Parliament and EU Affairs

Andrea Figulova, Comenius University in Bratislava

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OPAL Country Report on the Slovak Parliament¹

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I. General Position of Parliament in the Constitutional Balance of the Member State: Constitutional and institutional factors	
This section looks at the role of Parliament in the political system, to help us understand the relative power position of the legislature.	
1.1	What is the type of government in the political system of your member state? (i.e. parliamentary or semi-presidential)
	The Slovak Republic is a parliamentary democracy with a multi-party system. There are three branches of political power – executive: government and president, legislative: the National Council of the Slovak Republic, and judicial power. The president is elected by direct, popular vote, under the two round systems for a five-year term.
1.2	Is it a uni- or bicameral Parliament? If bicameral, is one house dominant or are both equally strong? Please briefly explain.
	The National Council of the Slovak Republic (herein referred for as NC SR) is unicameral and consists of 150 members elected by a system of proportional representation every four years. The National Council approves domestic legislation, constitutional laws, and the annual budget. Its consent is required to ratify international treaties, and it is responsible for approving military operations. It also elects individuals to some positions in the executive and judiciary as specified by law.
1.3	Is the state federal, decentralized or unitary? If applicable, is it a form of asymmetrical federalism?
	The Slovak Republic is a unitary state composed of eight self-governing regions, cities and municipalities.
1.4	Briefly describe the electoral system, if applicable, for each chamber.
	The Slovak Republic has a proportional electoral system for a four year period. Members of the Parliament (MP's) are elected by secret ballot in general, equal, and direct election. A citizen with the right to vote (who has to reach the age of 21, and be permanently resident on the territory of the Slovak Republic) can be elected as the Member of the NC SR. The whole country forms one multi-member constituency and the election threshold for political parties is 5%. Coalitions of two to three political parties and four or more parties are required to obtain at least 7% and 10% percent of the vote. There is an option of preference vote (4 candidates) in the open candidate list of political parties. Seats in the NC SR are distributed by the Hagenbach-Bischoff method. The republic electoral number is calculated by dividing the total number of valid votes polled by qualifying lists by 151 –

¹ This country report provides some basic data that has been collected in the context of the research for a chapter to be published in C. Heffler, C. Neuhold, O. Rozenberg, J. Smith & W. Wessels (Eds.). (forthcoming in 2014). *The Palgrave Handbook of National Parliaments and the European Union*. London: Palgrave, Macmillan.

	the number of National Council seats plus one. The number of votes won by each qualifying list is then divided by the electoral quota, and the result of this division, disregarding fractions, is the initial number of seats obtained by each list. Any seats that remain unallocated after the application of the electoral quota are distributed according to the largest remainder method.
1.5	What (f)actors can prevent the parliament agreeing on EU legislation and/or treaty reform? (e.g. a constitutional court, or public referenda on questions of EU integration)
	<ul style="list-style-type: none"> • EU legislation – non factors/actors (depending on the power division within the Parliament; MPs can prevent EU legislation only after the approval of the “legislation”, either before publishing or after the publication of the law at the Constitutional court). • Treaty reform in Slovak legislation is “international treaty” legislation. According to the Article 125a of the Constitution, only president and government have such a power before ratification. However, due to Act No. 114/1993 Coll on Management and rules of the Constitutional court, in this case only the president can prevent agreeing on treaty reform. <p>Article 125a</p> <p>(1) <i>The Constitutional Court decides on compliance of the concluded international treaties for which consent of the National Council of the Slovak Republic is required with the Constitution or a constitutional law.</i></p> <p>(2) <i>The petition for a decision pursuant to paragraph 1 may be filed with the Constitutional Court by the President of the Slovak Republic or the Government before submitting the concluded international treaty for a deliberation to the National Council of the Slovak Republic.</i></p>

2. General Position of Parliament in the Constitutional Balance of the Member State: Political Factors			
This section is about the basic political factors which might influence parliament’s strength in relation to the government.			
2.1	What is the type of government after the most recent elections e.g. single party, minority, coalition, oversized coalition government?		
	<p>The SMER-Social Democracy party (Prime Minister Robert Fico) was the winner of the election in March 2012 with 44.4% = 83 members of the NC SR.</p> <p>A quorum in the NC SR (the minimum number of MP’s present for a valid resolution) is a majority of the NC SR = 76; constitutional majority is 90.</p> <p>Since the split of Czechoslovakia it is the first time of a sole political party ruling in the Slovak Republic, and we are the second Central European country with a one-party government. However, the one party government lacks a constitutional majority, thus is not able to make fundamental changes to the political system without support of the opposition.</p>		
2.2	When the most recent general elections and what were were the results? Could you please give a short list of the parliamentary groups, their no. of seats in parliament and ideological position?		
	Latest election:	10 March 2012	
	Name of the party	No. and percentage of seats in parliament	Ideological position (e.g. Communist, left liberal, socialist,

			liberal, right liberal, conservative, Christian democrat, extreme right, ethnic minority or regionalist party)
	SMER-SD	83 seats /55,33 %	Social democracy
	Christian Democratic Movement	16 seats /10,66 %	Christian democracy
	Ordinary People and Independent Personalities	16 seats /10,66 %	(it is s group of people with different attitudes from evangelical priest to former Roma representative to representative of the Greens activists).
	Most- HID	13 seats/ 8,66 %	Ethnic minority interest (Hungarian)
	Slovak Democratic and Christian Union – Democratic Party	11 seats/ 7,33 %	Liberal conservatism
	Freedom and Solidarity	11 seats/ 7,33 %	Classical liberalism
2.3	How polarized was parliamentary debate over ratification of the Lisbon Treaty? Which parliamentary party groups supported and which opposed ratification?		
	<p>The specifics of the debate over the Lisbon treaty:</p> <p>Government: SMER-SD/SNS (Slovak National Party) and ĽS – HZDS (People's Party – Movement for a Democratic Slovakia) - (85 votes)²</p> <p>Opposition: SDKU-DS/KDH/SMK(Hungarian Coalition Party)</p> <p>Approval: Majority of 2/3 from members of parliament, Section 84 of the Slovak Constitution (90 votes).</p> <p>The ratification of the Lisbon Treaty was postponed on January 31, 2008 after opposition parties left the plenary in the protest over a “controversial” new Press Law³ proposed by the government. The opposition parties were at most in favor of the Lisbon Treaty in principle. The debate lasted for three months and the parliamentary ratification was held on April 10, 2008, where 103 deputies voted in favor and 5 against (Several former MP’s from KDH; at the moment of the ratification they were already independent MP’s) out of the 108 MP’s present.</p> <p>Approval of the Lisbon Treaty was possible thanks to the support of a some MP’s from the opposition, the Hungarian Coalition Party (SMK), that wanted “to protect Slovakia's good name abroad”. The two other opposition parties left the plenary before the vote took place.</p>		

3. New Provisions of the Lisbon Treaty on Direct Contact with EU Institutions

² SNS and ĽS-HZDS; SMK are no anymore parliamentary political parties.(as of 2012)

³ Two provisions in the Act in particular evoked heated responses from numerous domestic critics (journalists, publishers and opposition politicians among them), international media watchdogs, and Miklos Haraszti, the Organization for Security and Cooperation in Europe's representative on media freedom. One provision gave the Culture Ministry authority to penalize editors for publishing articles that promote certain kinds of hate—the bill specified 16 different kinds in all. The second established a sweeping “right of reply” by individuals to articles published in newspapers or magazines. Source: <http://www.businessweek.com/stories/2008-05-01/slovakias-tough-new-press-lawbusinessweek-business-news-stock-market-and-financial-advice>

<p>The Lisbon Treaty provides national parliaments with new opportunities for direct contact with the EU institutions. This section addresses the incorporation of the new Lisbon provisions into national law and concrete procedures. Questions 3.3 to 3.5 investigate in how far these procedures have been used.</p>	
3-1	<p>Have there been any regulations adopted by your member state to incorporate the new powers that are entrusted to the national parliaments by the Treaty of Lisbon? If so, please list the regulations in their appropriate categories:</p> <p>a. Constitutional provisions</p> <p>b. Legal provisions - Statutory provisions</p> <p>c. Parliamentary Standing Orders</p> <p>d. Other (please specify)</p> <p>Is this process complete or ongoing?</p>
	<p>a. The amendment of the Constitutional Law No.397/2004 Coll on cooperation of the government and NC SR in European affairs, beyond the above proposed changes proposed to implement the use of so-called transition clause (passarelle) for changing the approval procedure at EU level. In Slovak conditions were proposed to implement a regime of veto change of approved procedure at the European level ex-ante. In other words, the prime minister is obliged to submit to the NC SR a proposal to use the transition clause. Since the application of the passarelle clause at the European Council requires unanimity, the NC SR shall oblige the prime minister to follow a certain opinion/position in this area (yes / no to the proposal).</p> <p>During the third reading in the plenary in June 2011, this bill was not approved (the required constitutional majority was not reached). However, most of the required changes were moved to and approved in the amendment of the Rules of Procedure, later.</p> <p>b. The amendment of the Rules of Procedure modify the obsolete terminology (EC vs. EU), expand the EAC competencies on conformity assessment of draft legislation with the EU subsidiarity principle and anchor a provision concerning discussion of action for breach of this principle by legislative acts of the EU and also the extension of deadline for submission of a preliminary position of the government to the proposal of EU bills from currently 3 to 4 weeks.</p> <p>To ensure that the tasks of the office of the NC SR are fulfilled as defined under the amendment of the Rules of Procedure (implementation of conformity assessment of the draft of EU legislative acts with the subsidiarity principle at the EAC), there was a Mechanism adopted of how to draft reasoned opinion in the office of NC SR. It determines who can be the initiator for an investigation of compliance of the mentioned proposal. However, this document needs to be updated.</p>
3-2	<p>What exactly are the rules (i.e. parliamentary bodies involved, procedure, regional parliament's involvement, cooperation in bicameral systems) for...</p>
3,2 i	<p>The "Political Dialogue" with the Commission</p>
	<p>Generally, similar to all other resolutions in the EAC (simple majority). The NC SR is not active in the Political Dialogue.</p>
3,2 ii	<p>The Early Warning Mechanism (EWM)</p>
	<p>A reasoned opinion could be adopted by a simple majority in the EAC.</p> <p>Firstly within the agenda of the EAC - <i>Information on new proposals of the legally binding acts of the EU</i> - the EAC employees should state compliance of the legislative act with the principle of the subsidiarity. Then, the circle within the EAC/main Sectoral Committees and respective ministries is needed to prepare an explanatory memorandum. This information is gathered and the proposal introduced as agenda item for approval by the MP's.</p>

3.2 iii	The "Passarelle clause"
3.2 iv	The action of annulment before ECJ on breach with the subsidiarity principle (What quota of MPs is needed to enforce the action of annulment?)
	The Committee on European Affairs, or one fifth of the members of the National Council may ask the National Council to write to approve an action for breach of the principle of subsidiarity by a legislative act of the European Union by absolute majority of the MP's.
3.2 v	Accession of new member states to the EU
	The accession of new member states to the EU is understood in Slovak legislation as "international treaty"; it is not dealt with special treatment. It has to be approved in the NC SR and signed by the president.
3.3	How actively does the parliament engage in the political dialogue and "early warning mechanism" with the Commission?
	In the EAC there were three reasoned opinions approved. On May 12, 2011 the EAC approved a reasoned opinion on the proposal for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB) in the European Union. On November 10, 2011 a reasoned opinion was approved on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances. And the last one, on February 2, 2012: the EAC approved a reasoned opinion on the proposal for a regulation of the European Parliament and of the Council COM(2011)779 on specific requirements regarding statutory audit of public-interest entities. In any of these examples required quorum was not achieved for the activation of yellow cards on European level. Political dialogue was used only once, in 2006.
3.4	Has parliament ever threatened to bring a legislative act to the ECJ because of subsidiarity concerns?
	No.
3.5	If applicable to your member state, how does parliament proceed on the ratification of: a. Treaty Establishing the European Stability Mechanism, signed 2 Feb 2012 b. Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, signed 2 March 2012
	a) <i>The Government Act on the European Stability Mechanism and the amendment of certain acts</i> was approved by the NC SR on June 28, 2012 and signed by the President of the Slovak Republic on July 8, 2012. b) A specific situation in the Slovak Parliament appeared with the approval of the Constitutional Law on fiscal responsibility . This law was proposed by one member of each political party group in the NC SR who were part of the expert governmental group on fiscal responsibility. This was a reaction on the statements about Slovakia's credibility at financial markets and to ensure a long-term sustainability of public finances in Slovakia. However, it is also a <i>reaction on the upcoming debates at the European Council and the fulfillment of the obligation, which in even softer form will be discussed on Friday December 9, 2011 at the</i>

	<p><i>European Council. Our law is even stricter.</i>⁷⁴ The Law came to effect in March 2012 and the Slovak Republic was, in that sense, one step ahead the Fiscal Compact Treaty.</p> <p>Ratification of the Fiscal Compact was finished in January 2013 by the presidential signature preceded by the NC SR approval in December 2012.</p>
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⁴ Minister of Finances of the SR, Ivan Mikloš on the briefing on December 8, 2011 after approval of the Constitutional Law.(<http://www.pluska.sk/ekonomika/slovenska-ekonomika/dlhovu-brzdu-podporili-vsetci-poslanci.html>)