

## OPAL Country Reports

# The Slovenian Parliament and EU Affairs

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**To cite this report:** S. Kajnič Lange (2012), *OPAL Country Reports: The Slovenian Parliament and EU Affairs*, weblink

# OPAL Country Report on the Slovenian Parliament<sup>1</sup>

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## Acronyms:

CFP	<i>Odbor za zunanjo politiko</i> - Committee for foreign policy
EAC	<i>Odbor za zadeve Evropske unije</i> , Committee on EU Affairs (CEUA)
LRNAG	<i>Zakon o odnosih med državnim zborom in vlado v zadevah Evropske unije</i> (Law on Relations between the National Assembly and the Government in matters of the European Union)
SI	Slovenia
RoP	Rules of Procedure
RoPNA	Rules of Procedure of the National Assembly

## 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)
	Parliamentary system
1.2	Is it a uni- or bicameral Parliament? If bicameral, is one house dominant or are both equally strong? Please briefly explain.
	Bicameral, with Lower house ( <i>državni zbor</i> ; national assembly, <i>Staatsversammlung</i> ) very dominant over the Upper house ( <i>državni svet</i> ; national council; <i>Staatsrat</i> ). Upper house combines interest and regional representation.
1.3	Is the state federal, decentralized or unitary? If applicable, is it a form of asymmetrical federalism?
	Unitary
1.4	Briefly describe the electoral system, if applicable, for each chamber.
	Lower house: Slovenia is divided into 8 constituencies, each comprised of 11 electoral units. 88 out of 90 members of the National Assembly are elected in these, according to a proportional system and using D'Hondt method. The remaining two representatives are elected amongst the Italian and Hungarian minorities (each electing one representative). Threshold for entry into the

<sup>1</sup> 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.

	<p>National Assembly is 4 %.</p> <p>Upper house: National council consists of indirectly elected representatives of: employers (4); employees (4); farmers, craftsmen, self-employed (4); non-economic sector (6); and local interests (22). They are elected from among their own associations. For local interests 22 constituencies are formed.</p>
1.5	<p>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)</p>
	<p>Public referendum: in case of a transfer of an execution of a (part of) sovereignty a referendum can be organised. Results of the referendum are binding (SI Constitution, Art. 3a) Constitutional court gives a binding opinion (SI Constitution, Art. 160/para 2)</p>

<p><b>2. General Position of Parliament in the Constitutional Balance of the Member State: Political Factors</b></p>		
<p>This section is about the basic political factors which might influence parliament's strength in relation to the government.</p>		
2.1	<p>What is the type of government after the most recent elections e.g. single party, minority, coalition, oversized coalition government?</p>	
bb	<p>Coalition</p>	
2.2	<p>When were the most recent general elections and what were the results? Could you please give a short list of the parliamentary groups, their no. of seats in parliament and ideological position?</p>	
	<p>Latest election in the LOWER HOUSE:</p>	<p>4 December 2011</p>
	<p>Name of the party</p>	<p>No. and percentage of seats in parliament</p> <p>Ideological position (e.g. Communist, left liberal, socialist, liberal, right liberal, conservative, christian democrat, extreme right, ethnic minority or regionalist party)</p>
	<p>Lista Zorana Jankovića – Pozitivna Slovenija (List of Zoran Janković–Positive Slovenia)</p>	<p>28 (31.1%)</p> <p>Centre-left</p>
	<p>SDS (Slovene Democratic Party)</p>	<p>26 (28.89%)</p> <p>Centre-right</p>
	<p>SD (Social Democrats)</p>	<p>10 (11.1%)</p> <p>Centre-left</p>
	<p>Državljska Lista (Civic List)</p>	<p>8 (8.89%)</p> <p>Liberal</p>
	<p>DeSUS (Democratic Party of Retired Persons of Slovenia)</p>	<p>6 (6.67%)</p> <p>Unidentifiable</p>

	SLS (Slovene People's Party)	6 (6.67%)	Centre-right
	NSi (New Slovenia-Christian People's Party)	4 (4.44%)	Centre-right
	Latest election in the UPPER HOUSE:	December 2012 (members are elected from different interest groups and representing regional interests; they are not elected as members or supported by political parties)	
	Name of the party	No. and percentage of seats in parliament (if applicable)	Ideological position (if not mentioned above)
	n.a.		
2.3	How polarized was parliamentary debate over ratification of the Lisbon Treaty? Which parliamentary party groups supported and which opposed ratification?		
	SI ratified the Lisbon Treaty by a decision of the national assembly on 29 January 2008 as the second member state to have done so. The consensus in the national assembly was prevented by the Slovene National Party (not a parliamentary party since the last election in December 2011), which suggested to hold a referendum on the ratification (and generally viewed Lisbon Treaty as departing sufficiently from the Constitutional Treaty to justify holding a referendum. Their arguments concentrated on a diminished role of SI following future enlargements).		

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

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.

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>
Lower house	Legal and RoP. Complete (December 2010)
Upper house	N.a.
3.2	What exactly are the rules (i.e. parliamentary bodies involved, procedure, regional parliament's involvement, cooperation in bicameral systems) for...
3.2 i	The "Political Dialogue" with the Commission
Lower house	None (the awareness of it seems to be lacking (more interviews would be needed to check on this)

Upper house	None.
3.2 ii	The Early Warning Mechanism (EWM)
Lower house	<p>The lower house holds both votes on behalf of Slovenia. It is regulated in the RoPNA, Art. 154.m.</p> <ol style="list-style-type: none"> <li>1. In order to begin the procedure to check on the subsidiarity, the initiative must be undertaken by at least <math>\frac{1}{4}</math> of the MPs or by a decision of a sectoral committee or CEUA (or CFP). The initiative is passed onto the President of the National Assembly.,</li> <li>2. First the legal service of the parliament prepares an opinion on the matter. It has 7 days time for it.</li> <li>3. if the legal service concludes that the conditions are met to start the procedure, it will proceed in the sectoral committee and CEUA (CFP).</li> <li>4. Sectoral committee deliberates and prepares an opinion and passes it onto the CEUA, including the argumentation for the decision.</li> <li>5. CEUA, considering the opinion of the sectoral committee, takes a decision.</li> <li>6. In case it finds breach of the subsidiarity principle, CEUA or at least <math>\frac{1}{4}</math> of MPs can request for the national assembly to vote on it.</li> <li>7. Normal procedure, with the possibility to enter amendments follows.</li> <li>8. If the breach of subsidiarity is founded, the decision is passed on to the presidents of the EP, Council and Commission. National council is being informed.</li> </ol>
Upper house	None.
3.2 iii	The "Passarelle clause"
Lower house	<ol style="list-style-type: none"> <li>1. Sectoral committee and CEUA (CFP) discuss the matter</li> <li>2. legal service and national council are being consulted</li> <li>3. CEUA (CFP) prepares a report for the plenary</li> <li>4. Plenary debates and votes. The decision is sent to the president of the European Council. National council is informed.</li> </ol> <p>(RoPNA, Art. 154.o)</p>
Upper house	N.a.
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?)
Lower house	<p>Steps 1 – 6 of the EWS procedure (RoPNA, 154.m) apply.</p> <p>Shall the plenary confirm the breach of subsidiarity, the initiator, with the involvement of the legal service, prepares an order for filing of the complaint.</p> <p>The decision is passed onto the office of the state attorney which is in charge of the preparation of the case for the ECJ.</p> <p>(RoPNA, Art. 154.n)</p>
Upper house	N.a.
3.2 v	Accession of new member states to the EU

Lower house	Plenary discusses it.
Upper house	It needs to be ratified (by the plenary).
3-3	How actively does the parliament engage in the political dialogue and “early warning mechanism” with the Commission?
Lower house	Never (not so far)
Upper house	N.a.
3-4	Has parliament ever threatened to bring a legislative act to the ECJ because of subsidiarity concerns?
Lower house	No.
Upper house	N.a.
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
Lower house	Slovenia was the second Member State to ratify the ESM treaty on 19th April 2012, through the vote in the national assembly, by 74 votes in favour out of 175 present. National assembly ratified the Fiscal pact treaty on 19th April by 74 votes in favour out of 90, with 76 members present at the vote.
Upper house	Both were debated in the Commission. The opinion was sent to the national assembly.