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# EUROPEAN UNION: CURRENT SITUATION, FUTURE TRENDS

INTERNATIONAL CONFERENCE

20<sup>TH</sup> OF OCTOBER, 2023

CONSENSUS HALL, MINISTRY OF FOREIGN AFFAIRS, ULAANBAATAR, MONGOLIA



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**“ЕВРОПЫН ХОЛБОО: ӨНӨӨГИЙН БАЙДАЛ, ИРЭЭДҮЙН ЧИГ  
ХАНДЛАГА”**

**ОЛОН УЛСЫН ЭРДЭМ ШИНЖИЛГЭЭНИЙ ХУРАЛ**

**“EUROPEAN UNION: CURRENT SITUATION, FUTURE TRENDS  
INTERNATIONAL CONFERENCE**

20<sup>th</sup> of October, 2023

Consensus Hall, Ministry of Foreign Affairs

**Ерөнхий редактор:** С.Одхүү \ОТИС-ийн багш, доктор (Ph. D), профессор\

**Техник редактор:** Ч.Соёлмаа \ОТИС-ийн багш, доктор (Ph. D), дэд профессор\

**Эмхэтгэж, эх бэлтгэсэн:** Г.Жаргалсайхан \ОТИС-ийн багш

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**“ЕВРОПЫН ХОЛБОО: ӨНӨӨГИЙН БАЙДАЛ, ИРЭЭДҮЙН ЧИГ ХАНДЛАГА”  
ОЛОН УЛСЫН ЭРДЭМ ШИНЖИЛГЭЭНИЙ ХУРЛЫН ХӨТӨЛБӨР**

2023.10.20

Гадаад Харилцааны Яамны Зөвшилцөл танхимд

08:30-09:00 **БҮРТГЭЛ**

09:00:09:30 **НЭЭЛТИЙН ҮЙЛ АЖИЛЛАГАА**

*Н.Энхзаяа, Отгонтэнгэр Их Сургуулийн захирал, Доктор (Ph.D.), Дэд профессор,*

*Г.Амартүвшин, Гадаад Харилцааны Дэд сайд*

*Аксель Никейз, Европын Холбооноос Монгол Улсад суугаа Элчин Сайд*

*Ян Вытопил, Бүгд Найрамдах Чех Улсаас Монгол Улсад суугаа элчин сайд*

**НЭГДСЭН ЗУРАГ АВАЛТ**

**НЭГДҮГЭЭР САЛБАР ХУРАЛДААН**

Салбар хуралдааны хэл: Монгол

**Модератор:**

*Д. Золбоо /ШУА-ийн ОУСХ-ийн захирал, Доктор (Ph.D.)/*

*В.Ариунчимэг /Гадаад мэдээний хөтлөгч, Отгонтэнгэр Их Сургуулийн СЗОУХТ-ийн багш/*

09:30-09:45 **Европын Холбоо-Монгол Улсын харилцаа, хамтын ажиллагаа**

*Б.Биндэръяа, Гадаад Харилцааны Яамны Европын Газрын Дэд захирал*

09:45-10:00 **Өнөөгийн хуваагдмал ертөнцөд ЕХ-ны эзэлж буй олон улсын байр суурь: Монголоос харахуй**

*Г.Төмөрчулуун, Хүндэт Дипломатч, ОТИС-ийн зөвлөх багш, Доктор (Sc.D.), Профессор*

10:00-10:30 **ЦАЙНЫ ЗАВСАРЛАГА**

10:30-10:45 **Монгол Улс, Европын Холбооны харилцааны тулгамдсан зарим асуудал: Пост-Брекситийн үе GSP+ жишээн дээр**

*Д.Уламбаяр, ХИС-ОУХНСС-ийн захирал, Доктор (Sc.D.), Профессор*

- 10:45-11:00 **Монгол Улсын гадаад хэлний сургалтын бодлогын асуудлууд ба Европын Холбооны жишиг**
- Н.Бээз, Боловсролын хөгжлийн онол, арга зүйн судлаач, Доктор (Sc.D.), Академич*
- С.Санжаабадам, Хүүхдийн хөгжлийн судлаач, Доктор (Ph.D.), Профессор*
- Б.Баярмаа, Докторант, Гадаад хэлний сургалт, хүүхдийн хөгжлийн судалгаа, боловсролын тогтолцооны судлаач*
- 11:00-11:15 **Боловсролын шинэтгэл: Финландаас суралцаж, Монголоор сэтгэхүй**
- Б.Энхмандах, Элчин сайд, Доктор (Ph.D.)*
- Э.Энхчимэг, Япон Улсын Киотогийн Их Сургууль, Доктор (Ph.D.)*
- 11:15-11:30 **Монгол хүний насан туршийн хүмүүнлэгийн боловсролд Европын сонгодог уран зохиолын нөлөө**
- Б.Галиндэв, Отгонтэнгэр Их Сургуулийн Сэтгүүл зүй, Олон улсын харилцааны тэнхимийн багш, Доктор (Ph.D.), Профессор*
- 11:30-11:45 **ХЭЛЭЛЦҮҮЛЭГ**
- 11:45-12:00 **Боловсролын дижиталчлал: Европын Холбооны боловсролын талаар баримталж буй стратеги, сургалтын арга зүйд гарч буй өөрчлөлтүүд**
- Г.Туяагэрэл, МУИС-ийн Улс төр судлалын тэнхимийн ахлах багш, Доктор (Ph.D.)*
- 12:00-12:15 **Европын Холбооны байнгын аюулгүй байдал, гадаад бодлогын парадигм шилжилт: Өөрчлөлтөөс уян хатан хандлага руу**
- Ш.Эвсанаа, ДХИС-ийн Эрх зүй, Нийгмийн ухааны сургуулийн Нийгмийн ухааны тэнхимийн ахлах багш, Ахмад*
- 12:15-12:30 **Европын хэлний бодлого, Монгол Улсын гадаад хэлний сургалтад тусгах нь**
- М.Одонтуяа, МУИС-ийн Европ судлалын тэнхимийн багш*
- 12:30-12:45 **Соёл иргэншлийн ялгаа ба нутгийн өөрөө удирдах ёсны хөгжил: Европын Холбоо, Британи, Монгол Улсын жишээн дээр**
- Т.Есүхэй, МУИС-ийн Улс төр судлалын тэнхимийн багш*
- О.Мөнхжаргал, МУИС-ийн Улс төр судлалын тэнхимийн багш*
- 12:45-13:00 **Европын Холбооны хөгжлийн чиг хандлага, сорилт**
- О. Цэрэнчимэд, Удирдлагын Академийн докторантур, магистрантурын албаны дарга, Доктор (Ph.D.), Дэд профессор*

*Э.Халиунаа, Удирдлагын Академийн Бодлого улс төр судлалын тэнхимийн ахлах багш*

13:00-13:15 **ХЭЛЭЛЦҮҮЛЭГ**

13:15-14:30 **ӨДРИЙН ХООЛ** (Аюуд тауэрын 1 давхарт, REVO GARDEN ресторанд)

### **ХОЁРДУГААР САЛБАР ХУРАЛДААН**

**Салбар хуралдааны хэл:** Англи (Синхрон орчуулгатай)

#### **Модератор:**

*Н.Мөнх, МУИС-ийн Европ судлалын тэнхимийн эрхлэгч, Доктор (Ph.D.)*

*Г.Золзаяа, Отгонтэнгэр Их Сургуулийн Сэтгүүл зүй, Олон улсын харилцааны тэнхимийн эрхлэгч*

14:30-14:45 **Европын Холбоо ба боловсролын даяаршил: Европын Дээд боловсролын ирээдүйн голлох чиг хандлага**

*Ян Вытопил, Бүгд Найрамдах Чех Улсаас Монгол Улсад суугаа элчин сайд*

*Лукаш Янечек, Бүгд Найрамдах Чех Улсаас Монгол Улсад суугаа элчин сайдын орлогч дарга*

14:45-15:00 **Европын Холбооноос Монгол Улсад хэрэгжүүлэх Олон жилийн баримжаат хөтөлбөр (2021-2027) Гишүүн орнуудтай үргэлжлүүлэн түншлэх, хамтран ажиллах зарчим, заалтуудын таван нэмэлт өөрчлөлт.**

*Энтони Миллер, ОТИС-ийн Сэтгүүл зүй, Олон улсын харилцааны тэнхимийн зочин профессор, Швейцарийн Бизнес Судалгааны сургуулийн Доктор (Ph.D.)*

*Ж.Золбаяр, ОТИС-ийн Бодлого, Хөрөнгө оруулалт эрхэлсэн дэд захирал, Докторант*

15:00-15:15 **Европын Холбоонд тулгарч буй өнөөгийн сорилтууд (Zoom платформоор)**

*Ник Маринеску, Румын Улсын Трансилваниа Их Сургуулийн багш, Доктор (Ph.D.), Профессор*

15:15-15:30 **Европын Холбооны хууль, эрх зүйд гишүүн улсуудын парламентын үүрэг, оролцоо (Zoom платформоор)**

*Шуш Адит, Унгар Улсын Сегедийн Их Сургуулийн багш, Доктор (Ph.D.), Дэд профессор*

15:30-15:45 **Европын Холбоо ба цагаачлал дахь орох/оршин тогтнох боломж (Zoom платформоор)**

*Омер Догукан Услу, Олон улсын харилцаа судлаач, Унгар Улсын Сегедийн Их Сургуулийн Улс төр, Хуулийн сургуулийн докторант*

- 15:45-16:00 **Хуулийн засаглал ба нэгдсэн төрийн бодлого (Zoom платформоор)**  
*Рихард Кусу, Олон улсын харилцаа судлаач, Унгар Улсын Сегедийн Их Сургуулийн Улс төр, Хуулийн сургуулийн докторант*
- 16:00-16:15 **Банкны тогтвортой байдлын шинэ чиг хандлага дахь Европын контент (Zoom платформоор)**  
*Наталия Шулга, Украины Эдийн засаг, худалдааны их сургуулийн Банкны тэнхимийн эрхлэгч, Доктор (Sc.D.), Профессор*  
*Серхий Савлук, Украины Эдийн засаг, худалдааны их сургуулийн Банкны тэнхимийн багш, Доктор (Sc.D.), Дэд профессор*
- 16:15-16:30 **ХЭЛЭЛЦҮҮЛЭГ**
- 16:30-16:40 **ХААЛТЫН ҮЙЛ АЖИЛЛАГАА: БАТЛАМЖ ГАРДУУЛАХ**

**CONFERENCE AGENDA**

**“EUROPEAN UNION: CURRENT SITUATION, FUTURE TRENDS ”**

**INTERNATIONAL CONFERENCE**

08:30-09:00 **REGISTRATION**

09:00:09:10 **OPENING REMARKS**

*Dr. Enkhzaya Namsrajav, Associate Professor, Director of Otgontenger University*

09:10-09:25 **WELCOMING SPEECH**

*Amartuvshin Gombosuren, Deputy Ministry of Foreign Affairs of Mongolia*

*Axelle Nicaise, Ambassador of the European Union to Mongolia*

*Jan Vytopil, Ambassador, Czech Embassy*

09:25:09:30 **PHOTO SESSION**

**MORNING SESSION PROGRAM**

**Session Language: Mongolia**

**Moderators of the First Session:**

*Dr. Zolboo Dashnyam, Associate Professor, Director of the Institute of International Studies, Mongolian Academy of Sciences*

*Ariunchimeg Viktor, Anchor of Foreign News, Lecturer, Departments of Journalism and International Relations, Otgontenger University*

09:30-09:45 **“European Union, Mongolia Partnership and Cooperation”**

*Binderiya Batsukh, Vice Director, Department of Europe, Ministry of Foreign Affairs of Mongolia*

09:45-10:00 **“The International Position of The European Union in A Fragmented World: A View from Mongolia”**

*Dr. Tumurchuluun Guudai, Sc.D., (Honorable Diplomat), Professor, Department of Journalism and International Relations, Otgontenger University*

10:00-10:30 **COFFEE BREAK**

10:30-10:45 **The Key Issues of Mongolia and EU Relationship in the Post BREXIT: The Case of Generalized System of Preferences Plus**

*Dr. Ulambayar Denzenkham, Sc.D., Professor, Dean, School of International Relations and Social Studies, University of the Humanities*



- 10:45-11:00 **Problem of Foreign Language Education Policy in Mongolia and the European Union Standard**  
*Dr. Begz Nadmid, Sc.D., Academician*  
*Dr. Sanjaabadam Sed, Professor & Specialist in Educational Quality Research*  
*Bayarmaa Bazarsuren, Ph.D. Reader, Foreign Language Training and Child Development Researcher*
- 11:00-11:15 **Educational Reform: Learning from Finland, Thinking as a Mongolia**  
*Dr. Enkhmandakh Baldan, Ambassador*  
*Dr. Enkhchimeg Enkhmandakh, Kyoto University, Japan*
- 11:15-11:30 **The Influence of European Classic Literature on the Humanitarian Education of Mongolians**  
*Dr. Galindev Budregch, Professor, Department of Journalism and International Relations, Otgontenger University*
- 11:30-11:45 **DISCUSSION**
- 11:45-12:00 **Digital Education: Governments' Strategies, Teaching Tools in the European Union**  
*Dr. Tuyagerel Ganbat, Senior Lecturer, Department of Political Science, National University of Mongolia*
- 12:00-12:15 **A Paradigm Shift in the EU's Common Foreign and Security Policy: From Transformation to Resilience**  
*Evsanaa Shambaa, Captain, Senior Lecturer, Department of Social Science, University of Internal Affairs*
- 12:15-12:30 **The Impact of European Language Policy on Foreign Language Teaching in Mongolia**  
*Odontuya Mishigdorj, Senior Lecturer, Department of European Study, National University of Mongolia*
- 12:30-12:45 **Diversity of Civilizations and Development of Local Governance: On the Comparison of Great Britain, EU, and Mongolia**  
*Yesukhei Tumurbaatar, Lecturer, Department of Political Science, National University of Mongolia*  
*Munkhjargal Otgonbayar, Lecturer, Department of Political Science, National University of Mongolia*
- 12:45-13:00 **Development Trends and Challenges of the European Union**

*Dr. Tsernchimed Otgontogtool, Associate Professor, Head of Department for Post Graduate Studies, National Academy of Governance*

*Khaliunaa Erdenekhuu, Senior Lecturer, Department of Policy and Political Studies, National Academy of Governance*

13:00-13:15 **DISCUSSION**

13:15-14:30 **LUNCH (Revo Garden Restaurant, 1<sup>st</sup> Floor, Ayud Tower)**

### **AFTERNOON SESSION**

**Session Language: English (with Simultaneous translation)**

**Moderators of the Second Session:**

*Dr. Munkh Namsrai, Head of the Department of European Studies, National University of Mongolia.*

*Zolzaya Gankhuyag, Head of the Department of Journalism and International Relations, Otgontenger University.*

14:30-14:45 **European Union and Educational Globalization: Main Trends in the European Higher Education**

*Jan Vytopil, Ambassador, Czech Embassy*

*Lukáš Janeček, Deputy Head of the Czech Embassy*

14:45-15:00 **The European Union and its Vision for Mongolian Society Agreement (2021-2027) Five Amendments be implemented to the Principles and Provisions Currently in Force for Continued Partnerships and Cooperation with Member States**

*Dr. Antony D. Miller, Visiting Professor, Department of International Relations & Journalism, Otgontenger University, Ph.D. from the Swiss School of Business Research, Zurich*

*Zolbayar Jargalsaikhan, Ph.D. Reader, Executive Vice Rector of Otgontenger University*

15:00-15:15 **Current challenges of the European Union (Online via Zoom)**

*Dr. Nick Marinescu, Professor, Transylvania University of Brasov, Romania*

15:15-15:30 **The Role of National Parliaments in the EU Legislation (Online via Zoom)**

*Dr. habil. Soós Edit, Associate Professor, University of Szeged, Hungary*

15:30-15:45 **The possible effects of entry/exit system and the ETIAS on the EU and Immigration (Online via Zoom)**

*Ömer Doğukan Uslu, Ph.D. Reader, Faculty of Law and Political Science,  
University of Szeged, Hungary*

15:45-16:00 **Cohesion Policy versus the Rule of Law (Online via Zoom)**

*Richárd Kószó, Ph.D. Reader, Faculty of Law and Political Science,  
University of Szeged, Hungary*

16:00-16:15 **European Content of New Banking Stability Architecture (Online via Zoom)**

*Dr. Natalia Shulga, Sc.D., Professor, Head of Banking & Chair of the  
State University of Trade and Economics, Kyiv, Ukraine*

*Dr. Serhii Savluk, Sc.D., Associate Professor of Banking & Chair of the  
State University of Trade and Economics, Kyiv, Ukraine*

16:15-16:30 **DISCUSSION**

16:30-16:40 **CLOSING REMARKS**

## THE ROLE OF NATIONAL PARLIAMENTS IN THE EU LEGISLATION

*Edit Soós*

*Associate professor, University of Szeged Faculty of Law,*

*Department of Political Science*

### **Abstract**

National parliaments' involvement in the EU legislation process has long been limited, and only the Treaty of Lisbon recognises them as contributors to the EU decision-making process. The „early warning mechanism” provides the right of pre-legislative intervention to the national parliaments and encourages them to jointly build up a new mode in the EU legislation. The novelty of national legislators is that they have the right to monitor whether EU initiatives comply with the principles of subsidiarity. The cooperation with EU institutions, especially with the European Commission, on EU affairs acknowledges the formal role of national parliaments in European public policy-making process.

The study presents the main characteristics of subsidiarity monitoring and the evolution of its practice. In addition, it focuses on how can the national parliaments influence the final legislative outcomes in the EU through the existing procedures of yellow and orange cards. The findings highlight whether the efforts of national parliaments have brought significant improvements in the mechanism of subsidiarity and proportionality control.

**Keywords:** national parliaments, principle of subsidiarity and proportionality, EU legislation, Treaty of Lisbon, Early Warning System

### **Introduction**

European integration has strengthened the executives of nation states. Due to the growing supremacy of national governments in the European law-making process, national parliaments were considered as national gatekeepers in the European machinery, while the role of national parliaments was limited to that of ‘governmental watchdogs’ scrutinizing the conduct of national governments (Maurer, Mittag, and Wessels 2004, 67).

The Treaty on Union (1993) and the Treaty of Amsterdam (1995) encourage greater involvement of national parliaments in the activities of the European Union and enhance their ability to express their views on matters which may be of particular interest to them”. However, national parliaments have for a long time only limited possibilities in the EU legislative process.

The role of the ‘latecomer’ national parliaments (Maurer et al. 2004, 71) in European Union affairs was regulated by the Protocol (No. 1) on the role of national parliaments in the European Union of the Treaty of Lisbon (2009). The main element of the procedure is outlined in Protocol (No. 2) on the application of the principles of subsidiarity and proportionality as the early subsidiarity check of a legislative proposal.

The ‘Treaty of Parliaments’ (Jancic 2015, 939) incorporated national parliaments into the legal system of the European Union for the first time in the history of European integration. The right of national parliaments to raise subsidiarity concerns strengthened their role as ‘watchdogs of the subsidiarity’ (Cooper 2006, 283; Matei and Dumitru 2020, 2) that delve into the issues of exercising European legislative powers in the areas of non-exclusive EU competences (Pimenova 2016, 382).

The aim of the study is to highlight how the European Union could involve national parliaments in the preparation of Union policies, and whether the European Union provided a stable mechanism for the monitoring of the principles of subsidiarity and proportionality.

After a brief overview of the meaning of the principles of subsidiarity and proportionality, the study focuses on subsidiarity control mechanism (procedures of yellow card and orange card), and reveals the collective capacity of national parliaments to fulfil representative and deliberative functions in EU law-making.

### **Subsidiarity control mechanism. The Early Warning System**

The concepts of subsidiarity and proportionality are fundamental elements of the policy development process of the EU institutions. Subsidiarity is typically understood primarily as a principle for allocating powers to different levels of governance (Fejes 2013, 25), yet it may also provide guidance on how powers are to be exercised. For example, subsidiarity can be thought to include an element of proportionality that requires powers to be exercised in a way that is not more intrusive for lower levels than alternative ways to achieve the same aim. Subsidiarity may also find expression in procedural mechanisms, such as the involvement of national parliaments in the application of subsidiarity in the EU legislative process.

The principles of subsidiarity and proportionality were given legal status in the EU when they were incorporated into the Treaty on European Union (1993). The application of the subsidiarity principle aims to ensure that decisions in Europe are taken at the most appropriate level. As a constitutional principle, subsidiarity was to preserve the legislative space of the member states by limiting European legislation to certain situations. The original wording of the Treaty on European Union (TEU 1993, Article 3b) provided that: “In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the member states and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community”.

The general approach to the application of the principles of subsidiarity and proportionality were made legally binding and subject to judicial review by the Protocol on the application of the principles of subsidiarity and proportionality, annexed to the Treaty of Amsterdam (1997). Under the Treaty, the Commission is required to justify the relevance of its legislative proposals in the light of the principles of subsidiarity: “[...] the objectives of the proposed action cannot be sufficiently achieved by the member states in the framework of their national constitutional systems and can therefore be better achieved by the Community” (Protocol to the Treaty of Amsterdam 1997, Article 5).

According to the principle of proportionality, “any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty” (Protocol to the Treaty of Amsterdam 1997, Article 1), so the EU action must be appropriate and necessary to achieve the desired objective.

National parliaments were given a more formal role in the legislative process under the Treaty of Lisbon (2009). Protocol No. 2 on the application of the principles of subsidiarity and proportionality, annexed to the Treaty of Lisbon, contains a legal framework of reinforced control, and introduces the mechanism of subsidiarity scrutiny by the national parliaments of EU Member States on draft legislative proposals.

The regulation opens up the possibility for national parliaments to set out and submit reasoned opinions on draft legislative acts as part of the subsidiarity procedure, when legislative proposals

concern a policy area that falls under non-exclusive competences.<sup>80</sup> The mechanism allowing national parliaments to scrutinise the compliance of draft EU legislation with the principle of subsidiarity. The Early Warning System (EWS) gives the right to all national parliaments to get involved in the EU legislative process.

Under the ordinary legislative procedure, the European Commission, as the main author of the legislative proposals under its right of initiative, only may put forward legislative proposals. All proposals from the European Commission for adoption of a legislative act are to be sent to the national parliaments at the same time as they are sent to the co-legislators (the Council and the European Parliament). In accordance with Article 2 of the Protocol No. 1 “Draft European legislative acts sent to the European Parliament and to the Council shall be forwarded to national parliaments”.

National parliaments may give a reasoned opinion and collectively they can influence the legislative process if a certain threshold is attained and in the set time limit. Under the early warning mechanism any national parliament or any chamber of a national parliament may, within eight weeks from the date of transmission of a draft legislative act, send to the Presidents of the European Commission, the European Parliament and the Council a reasoned opinion stating why it considers that the draft legislative act does not comply with the principle of subsidiarity. Under Protocol No. 2, each national parliament has two votes: in countries with unicameral parliaments the sole House of Parliament has two votes, in the case of a bicameral system, each chamber has one vote. Commission proposals can be blocked if there is a consensus among a majority of chambers.

In the case of proposals falling under the ordinary legislative procedure, if a draft legislative act's compliance with the subsidiarity principle is contested by a third of the votes allocated to national parliaments (*yellow card*), the Commission has to review the proposal and decide to maintain, amend or withdraw the act, also giving reasons for its decision. (This threshold shall be a quarter if the draft legislative act is submitted within the area of freedom, security and justice.) If a draft legislative act's compliance with the subsidiarity principle is contested by a simple majority of the votes allocated to national parliaments (*orange card*), the Commission has to justify its position by means of a reasoned opinion.<sup>81</sup>

The procedural mechanisms are based not only on the interaction between national parliaments and the European Commission, but also on the reaction of the European Parliament and the Council. The subsidiarity control mechanism laid down in Protocol (No. 2) is integrated into the rules of procedure of the European Parliament (European Parliament 2017, Rule 42) and of the Council (Council 2009, Article 19). If the European Parliament by a simple majority of its members (and the Council by a majority of 55% of its members) considers that the proposal is indeed not compatible with the principle of subsidiarity, it is abandoned.

### **Key cases where subsidiarity and proportionality concerns were raised**

Through the Early Warning System the Treaty of Lisbon provides the right to all national parliaments to scrutinise and influence the EU legislative process. The reasoned opinions issued by national parliaments (both chambers in bicameral systems) vary largely, they have different priorities in choosing Commission proposals to be scrutinised in the context of the subsidiarity control mechanism. Commission proposals and initiatives generated the highest number of reasoned opinions concern the internal market in electricity, public procurement rules, gender

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<sup>80</sup> According to Article 4 of the Treaty of Lisbon these areas cover internal market, social policy, cohesion, agriculture and fisheries, environment, consumer protection, transport, trans-European networks, energy, freedom, security and justice, as well as certain public health matters.

<sup>81</sup> No orange card procedures have been triggered so far.

balance, animal health and welfare, food safety, the regulation of medicinal products, rail transport, air transport and airports.

The different constitutional constraints and the parliaments' different relations with their governments have a strong impact on the subsidiarity monitoring process. The result is differing levels of parliamentary scrutiny of EU affairs and varying degrees of willingness to cooperate and conduct subsidiarity checks.<sup>82</sup>

**Table 1:** Number of reasoned opinions triggered by national parliaments (2010-2016)

Year	2010	2011	2012	2013	2014	2015	2016
Number of reasoned opinions	34/12	64/28	70/34	88/36	21/15	8/3	65/26
-	-	-	1st yellow card procedure	2nd yellow card procedure	-	-	3rd yellow card procedure

Source: compiled by the author, based on Annual reports of the European Commission on subsidiarity and proportionality, 2010-2016.

Under the subsidiarity control mechanism the yellow card procedure was used only three times. In May 2012 national parliaments of the EU issued their first yellow card. Thus for the first time, national parliaments collectively intervened in the legislative process of the EU to decisive effect, expressing subsidiarity concerns on the Commission's proposal for a "Regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services". In 2012 through the case of the Monti II proposal national parliaments proved with 12 reasoned opinions that the European Commission unnecessarily interfered with domestic labour laws including workers' right to take collective action. The European Commission claimed that the Monti II proposal did not breach the subsidiarity principle but that it withdrew the draft European legislative act because of a lack of political support for it in the European Parliament and the Council.

In November 2013, national parliaments objected to the Commission's proposal to establish a European Public Prosecutor's Office. National parliaments argued that the Commission did not demonstrate that Union level action could achieve better results than actions at national level. Finally, on 8 June 2017 under enhanced cooperation 20 EU Member States reached a political agreement on the establishment of a new European Public Prosecutor's Office (EPPO).

In May 2016, a third yellow card was issued following the proposal for a revision of the directive on the posting of workers, as 14 national parliaments or chambers thereof issued reasoned opinions. In this case a „regional block” of national parliaments managed to establish closer coordination around one specific topic with shared preferences on the Posted Workers Directive (Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia). Among the 11 national parliaments that submitted reasoned opinions these countries all, except Denmark, are from Central and Eastern Europe.

The above cases underline that national parliaments triggered reasoned opinions not only in view of legal reasons, but also with regard to political opportunity. The way in which most of the national parliaments implement the Protocol No. 2 and use the subsidiarity control mechanism has highlighted the political character of the new tool. The political will can stimulate stronger

<sup>82</sup>The eight-week deadline is a constraint, through which national parliaments have to make an objection within eight weeks of receiving the proposal.



coordination among national parliaments which is indispensable and would considerably help to reach the threshold. Linked to the more political national democratic processes, national parliaments are institutionally well endowed to re-politicise the normative concerns in the EU policy-making process (Bartl 2015, 35).

**Table 2:** Number of yellow card procedures

Year	Yellow card procedure	One third of votes	Number of reasoned opinions	Legislative proposal
2012	First Yellow card	19 votes	12	abandoned
2013	Second Yellow card	18 votes	14	maintained
2016	Third Yellow card	22 votes	14	maintained

Source: compiled by the author, based on Annual reports of the European Commission on subsidiarity and proportionality, 2010-2016

### Conclusions

In the brief discussion above, it is already evident that even highly influential actors such as national parliaments fail to establish efficient procedures for the successful coordination and presentation of national positions at the EU level.

However, the yellow card procedure is an important development in relations between the European Commission and national parliaments. The EWS practice, as the yellow card cases have indicated, is that particular policy areas had better be regulated at national level instead of European level. Moreover, the subsidiarity control on shared public policies can promote a regulation which determines what should be European and that should be national. All this is full correlation with the simplified revision procedure set out in Article 48 (6) of the Treaty on European Union which allows for a return to the Member States of competences conferred to the Union.

However, the cooperation between the EU institutions and national parliaments in the post-Lisbon era became more active and visible than they were in the past. The new provisions for parliamentary engagement in the European Union’s policy-making have brought the national parliaments closer across the EU member states. A sizeable number of chambers have chosen to engage with EU affairs as a matter of course, have been adapting their internal procedures and institutional capacity, and are linking up with other parliaments on a regular basis.

In order to exert this pressure, national parliaments need to explore how to better cooperate and how to use different platforms for information exchange to ensure that their views are better reflected in the legislative process and in the subsidiarity control mechanism.

### Recommendations

The practice of the subsidiarity scrutiny illustrates that there is no standard model for parliamentary involvement but that parliaments shape their regulatory policy activities according to what works best in their specific context. The rules of subsidiarity and proportionality were considered with the national parliaments by the European Commission within the framework of the “Task Force on Subsidiarity, Proportionality, and Doing Less More Efficiently” (2015).<sup>83</sup> During

<sup>83</sup> The European Commission adopted a targeted approach to policy and law-making in its Better Regulation Agenda (2015). The Agenda operates under the principles of subsidiarity and proportionality and provides a way forward in broader legislative cooperation between EU institutions and national parliaments.



the targeted consultations representatives of the 27 national parliaments and 41 chambers discussed the practical functioning of the subsidiarity control mechanism as well as possible reforms of it (Soós 2018, 199). The Hungarian parliamentarians emphasised the need to strengthen the role of national legislatures and to give them the right to effectively block any legislation that their majority opposes (Parliament of Hungary – Contribution to the work of the Task Force 2018, 6). However, until a possible amendment of the EU treaties, such an obstacle could only be overcome by a political commitment of the European Commission towards the national parliaments (Romania – Contribution to the work of the Task Force 2018, 2).

Many parliaments have proposed that the low number of yellow card procedures could be explained by the different practices and degrees of involvement of national parliaments in the scrutiny mechanism. Consequently, a more consistent approach by national parliaments to the subsidiarity control mechanism is desirable (Minutes of the 3rd meeting of the Task Force 2018, 4).

Some national parliaments have revealed that the failure of the EWS lies in the loose coordination between the parliaments of the member states (e. g., French National Assembly, Austrian Federal Council, Croatian Parliament, Hungarian National Assembly, Swedish Parliament, etc.). Acting alone, national parliaments are not capable of influencing the reasoned opinion leading to the amendment or rejection of the legislative proposal.

The European Commission seems reluctant to change the status quo. This position increases the risk of dissatisfaction among national parliaments and fortifies their requests for increased participation in EU law-making. There is undoubtedly a need for a common understanding of subsidiarity among all the actors involved in subsidiarity monitoring. This phenomenon has highlighted the lack of common guidance on how to assess the content of draft legislative acts or other public policies in relation to the principles of subsidiarity and proportionality. The European Commission therefore supports the development of a common method for subsidiarity monitoring, which could be based on the already existing ‘subsidiarity assessment grid’. The proposed assessment grid is to be used by the European Commission when initiating its legislative proposals, as well as by the European Parliament and the Council, and by the national parliaments in preparing their reasoned opinions.

The new tool is intended to provide a common and consistent approach to assessing the compatibility of a given legislative proposal or initiative with the principles of subsidiarity and proportionality, in order to ensure that the EU does not exceed its powers to achieve the objectives set out in the Treaties.

In sum, there is no doubt that one of the positive consequences of the subsidiarity control mechanism is that a discourse on the justification of subsidiarity leads to stronger, more subsidiarity-compliant legislation, as the institutions are forced to sharpen the arguments for the need for EU action. Nevertheless, the subsidiarity principle and, above all, the introduction of the EWS have contributed to improving relations between national parliaments and the EU institutions.

## BIBLIOGRAPHY

1. Annual reports of the European Commission on subsidiarity and proportionality. Accessed September 30, 2023. Available at: [https://commission.europa.eu/law/law-making-process/adopting-eu-law/relations-national-parliaments/annual-reports-application-principles-subsidiarity-and-proportionality-and-relations-national\\_en](https://commission.europa.eu/law/law-making-process/adopting-eu-law/relations-national-parliaments/annual-reports-application-principles-subsidiarity-and-proportionality-and-relations-national_en)

2. Bartl, M. (2015). "The way we do Europe: subsidiarity and substantive democratic deficit." *European Law Journal* 21 (1): 23-43. <https://doi.org/10.1111/eulj.12115>
3. Consolidated version of the Treaty on the Functioning of the European Union. Protocol (No. 1) on the role of national parliaments in the European Union. *OJ C 202, 7.6.2016*
4. Consolidated version of the Treaty on the Functioning of the European Union. Protocol (No. 2) on the application of the principles of subsidiarity and proportionality. *OJ C 115, 9.5.2008*
5. Cooper, J. 2006. "The Watchdogs of Subsidiarity: National Parliaments and the Logic of Arguing in the EU." *Journal of Common Market Studies* 44 (2): 281-304. <https://doi.org/10.1111/j.1468-5965.2006.00623.x>
6. Council of the European Union. 2009. "Council decision of 1 December 2009 adopting the Council's Rules of Procedure." *OJ L 325, 11.12.2009.*
7. European Commission. Report from the Commission. Annual Report 2013 on relations between the European Commission and national parliaments. Brussels, 5.8.2014 COM (2014) 507 final
8. European Parliament. 2017. "Rules of Procedure of the European Parliament." 8th parliamentary term – January 2017. Rule 42: Examination of respect for the principles of subsidiarity and proportionality. Accessed September 29, 2023.
9. Available at: <https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONGML+RULES-EP+20170116+0+DOC+PDF+V0//EN&language=EN>
10. Fejes, Zs. (2013). A "jó állam" államelméleti megközelítésben. [The "good state" in the state theory approach] In: Papp, T. ed., *A jó állam aspektusai, perspektívái: Az önkormányzatok változó gazdasági, jogi környezete*. Szeged: Pólay Elemér Alapítvány, 17-35.
11. Jancic, D. (2015). "The Game of Cards: National Parliaments in the EU and the Future of the Early Warning Mechanism and the Political Dialogue." *Common Market Law Review*, (52) 4: 939-976.
12. Matei, A. & Dumitru, A. S. (2020). "The Subsidiarity Principle and National Parliaments Role: From Formal Need to Real Use of Powers." *Administrative Sciences* 10 (2): 1-15. <https://doi.org/10.3390/admsci10020024>
13. Maurer, A., Mittag, J., & Wessels, W. (2004). "National Systems Adaptation to the EU System: trends, Offers and Constraints." In (ed.: Kochler-Koch, B.) *Linking EU and National Governance*. Oxford: Oxford University Press. 53-81.
14. Pimenova, O. (2016). "Subsidiarity as a 'regulation principle' in the EU." *The theory and practice of legislation* 4 (3), 381-398.
15. Soós, E. (2018). "Monitoring subsidiarity in the EU multilevel parliamentary system." *Slovak Journal of Political Sciences* 18 (2): 195-214.
16. Task Force on Subsidiarity, Proportionality and "Doing Less More Efficiently". Model grid to assess subsidiarity and proportionality throughout the policy cycle. Accessed September 22, 2023. Available at: [https://portal.cor.europa.eu/subsidiarity/news/\\_layouts/15/WopiFrame.aspx?sourcedoc=%7B17094E5A-318A-4FA7-97BA-5271C5C64742%7D&file=Subsidiarity\\_Assessment\\_Grid.docx&action=default](https://portal.cor.europa.eu/subsidiarity/news/_layouts/15/WopiFrame.aspx?sourcedoc=%7B17094E5A-318A-4FA7-97BA-5271C5C64742%7D&file=Subsidiarity_Assessment_Grid.docx&action=default)
17. Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts. *OJ C 340, October 10, 1997*
18. Treaty on European Union, signed at Maastricht on 7 February 1992. *OJ C 191, July 29, 1992.*
19. Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, was signed by the EU member states on 13 December 2007, and entered into force on 1 December 2009. *OJ C 306, December 17, 2007.*

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