

**ACT ON THE CO-OPERATION OF THE CROATIAN PARLIAMENT
AND THE GOVERNMENT OF THE REPUBLIC OF CROATIA
IN EUROPEAN AFFAIRS**

Scope
Article 1

This Act governs the co-operation of the Croatian Parliament (hereinafter: Parliament) and the Government of the Republic of Croatia (hereinafter: the Government) in European affairs and the powers of the Croatian Parliament in European affairs, in line with the Treaty on the European Union and the Treaty on the Functioning of the European Union and in line with the Constitution of the Republic of Croatia.

Definitions
Article 2

The specific terms in this Act have the following meaning:

European affairs are issues arising from the membership of the Republic of Croatia in the European Union;

Documents of the European Union are all legislative and non-legislative acts and drafts and proposals thereof considered within the scope of the Council of the European Union and the European Council, as well as other political or legal acts and documents considered and/or adopted by the institutions and other bodies of the European Union or by the Representatives of the Governments of the Member States at the EU level;

Draft legislative acts of the European Union are draft regulations, directives and decisions which are adopted in the legislative procedure in line with the Treaty on the Functioning of the European Union;

The positions of the Republic of Croatia are the positions on documents of the European Union which are adopted by the Government or another body nominated by the Government, held by the representatives of the Republic of Croatia in the respective decision-making processes or in debates at the EU level;

“EU baza” (“EU Base”) is an information and application system established as a module of the IKOS political documentation system at the Ministry of Foreign and European Affairs that is used as a technology tool for harmonising and approving the positions of the Republic of Croatia.

Powers of Parliament in European affairs
Article 3

In relation to European affairs, Parliament:

- monitors and controls the work of the Government in the institutions of the European Union;
- considers the documents of the European Union and the positions of the Republic of Croatia, and may draw conclusions thereon;
- monitors compliance with the principle of subsidiarity;
- decides on the implementation of the passerelle clause;
- participates in the procedure of proposing candidates of the Republic of Croatia for the institutions and bodies of the European Union;
- participates in the procedures of revision of the Treaties of the European Union in line with Article 48 of the Treaty on the European Union;

- within the scope of freedom, security and justice, participates in the evaluation of the mechanisms for the implementation of Union policies in these areas in line with Article 70 of the Treaty on the Functioning of the European Union;
- participates in the political monitoring of the work of Europol and in the evaluation of the activities of Eurojust in line with Articles 85 and 88 of the Treaty on the Functioning of the European Union;
- participates in the interparliamentary co-operation of national parliaments and in the co-operation with the European Parliament in line with the Protocol on the role of national parliaments in the European Union; and
- monitors the work of the Government in relation to securing the sustainability of reforms and implementing all commitments resulting from negotiations with the European Union, and consistently implementing the *acquis* of the European Union.

In line with the Constitution of the Republic of Croatia and the Standing Orders of the Croatian Parliament (hereinafter: Standing Orders of Parliament), Parliament may also consider other European affairs.

Execution of powers of Parliament Article 4

The powers of Parliament under this Article shall be executed by the European Affairs Committee (hereinafter: the Committee), except in issues related to the common foreign and security policy of the European Union, which fall within the competence of the Foreign Affairs Committee, unless stipulated otherwise in this Act or in the Standing Orders of Parliament, or unless decided otherwise by Parliament.

The operating methods of the Committee shall be governed by this Act, the Standing Orders of Parliament and the Rules of Procedure of the Committee as adopted by Parliament.

The operating methods of the Foreign Affairs Committee shall be governed by this Act and by the Standing Orders of Parliament.

Work Programme for the Consideration of the Positions of the Republic of Croatia Article 5

Based on the annual work programmes of the European Commission and the programmes of the presidencies of the Council of the European Union, the Government shall, no later than by 15 January of the current year, submit to Parliament a list of draft legislative acts of the European Union for which a debate at the EU level is envisaged during the current year.

The Committee shall consider the work programmes of the European Commission, the programmes of the presidencies of the Council of the European Union and the list of draft legislative acts of the European Union referred to in paragraph 1 of this Article, on the basis of which it shall adopt a Work Programme for the Consideration of the Positions of the Republic of Croatia for the current year (hereinafter: Work Programme).

Along with the list of draft legislative acts of the European Union referred to in paragraph 1 of this Article, the Government shall deliver to Parliament information on other

documents of the European Union for which a debate in the institutions of the European Union is envisaged.

Based on the information referred to in paragraph 3 of this Article and upon the proposal of the working bodies of Parliament or on its own initiative, the Committee may supplement the Work Programme and shall notify the Speaker of Parliament accordingly.

The procedure of adopting the Work Programme shall be governed by the Standing Orders of Parliament and the Rules of Procedure of the Committee.

Notification of Parliament Article 6

The Government shall deliver to Parliament all documents of the European Union from the Work Programme.

The Government shall deliver to Parliament the documents of the European Union set forth in paragraph 1 of this Article and all other documents in such a manner as to enable Parliament's access to the "EU Base" or in another appropriate manner.

Along with a document of the European Union set forth in paragraph 1 of this Article, the Government shall provide the following data to Parliament:

- a) information regarding the type of procedure applied during the decision-making process in the institutions of the European Union;
- b) the objectives intended to be achieved by its adoption and the reasons for the adoption of the document;
- c) the expected duration of the debate on the document of the European Union in the institutions of the European Union.

The Government shall deliver to Parliament the position of the Republic of Croatia on the document of the European Union set forth in paragraph 1 of this Article immediately after the adoption of the position of the Republic of Croatia.

The Government shall notify Parliament of any significant amendments in the content of the documents of the European Union set forth in paragraph 1 of this Article and of any amendments to the position of the Republic of Croatia referred to in paragraph 4 of this Article.

The Government shall deliver to Parliament information regarding the actions brought against the Republic of Croatia on the grounds of infringement of EU law.

Upon Parliament's demand, the Government shall forthwith also deliver any other documents and information pertaining to European affairs as requested by Parliament.

The provisions of special regulations governing the right of access to information and data confidentiality shall apply accordingly to the handling of the documents of the European Union set forth in this Article.

Article 7

The Committee is authorised to provide a conclusion ordering the Government to conduct a procedure of assessment of the regulatory impact related to the document of the European Union from the Work Programme in line with the Regulatory Impact Assessment Act (Official Gazette of the Republic of Croatia (*Narodne novine*) No. 90/11).

Consideration of the position of the Republic of Croatia

Article 8

The Committee shall consider the documents of the European Union and the positions of the Republic of Croatia in relation to the documents of the European Union in line with this Act and the Standing Orders of Parliament.

The session of the Committee in which the positions of the Republic of Croatia will be considered shall be held upon the receipt of the position of the Republic of Croatia, taking into account the deadlines for adoption in the institutions of the European Union.

The positions of the Republic of Croatia in relation to a document of the European Union shall be presented by a representative nominated by the Government.

The Committee shall hold a debate on the documents of the European Union and the positions of the Republic of Croatia and may draw a conclusion on the position of the Republic of Croatia on the basis of which the Government acts in the institutions of the European Union.

The conclusion referred to in paragraph 4 of this Article shall be delivered by the Committee to the Speaker of Parliament.

The procedure defined in paragraphs 1 to 5 of this Article shall apply accordingly when the conclusion is drawn by the Foreign Affairs Committee and Parliament respectively.

Amendments to the Treaties of the European Union

Article 9

Parliament shall discuss proposed amendments to the Treaties of the European Union and the positions of the Republic of Croatia in relation to the proposed amendments to the Treaties of the European Union delivered to Parliament by the Government.

The positions of the Republic of Croatia in relation to the amendments to the Treaties of the European Union set forth in paragraph 1 of this Article shall be presented at the session of Parliament by the representative nominated by the Government.

Parliament shall provide a conclusion on the positions referred to in paragraph 1 of this Article and shall submit it to the Government.

Submitting reports to Parliament on meetings of the Council of the European Union.

Article 10

The Government shall report to Parliament if it departs from the conclusions referred to in Article 8 of this Act.

The Committee may request the Government to provide a report on the held meeting of the Council of the European Union and on the preparations for the next meeting of the Council of the European Union.

The reports set forth in paragraphs 1 and 2 hereof are subject to debate.

Submitting reports to Parliament on meetings of the European Council

Article 11

The Prime Minister shall once a year, at the beginning of the first annual session of Parliament, submit a report to Parliament related to the meetings of the European Council held in the previous year.

Prior to every meeting of the European Council, the Government shall deliver to the Committee in writing the agenda and other supporting documents, as well as the draft of the conclusions of the European Council, if any.

After every meeting of the European Council, the Prime Minister shall submit to Parliament within 15 days of the date of the meeting a written report related to the meetings of the European Council held.

As required, the Prime Minister shall, at the invitation of the Speaker of Parliament, present the position of the Republic of Croatia for the meeting of the European Council at the session of Parliament or at the session of the Committee prior to the holding of the meeting of the European Council, or shall present a report related to the meetings of the European Council held.

The reports and the position of the Republic of Croatia set forth in paragraphs 1 and 3 hereof are subject to debate.

Implementation of the passerelle clause

Article 12

Parliament may adopt a conclusion that opposes the proposed decision of the European Council set forth in Article 48 paragraph 7 of the Treaty on the European Union within six months of the delivery of the notification of the initiative taken by the European Council.

Parliament may adopt a conclusion that opposes the proposal of the European Commission set forth in Article 81 paragraph 3 of the Treaty on the Functioning of the European Union within six months of the date of delivery of the notification of the said proposal.

Monitoring compliance with the principle of subsidiarity
Article 13

The Committee shall conduct a procedure of monitoring compliance with the principle of subsidiarity in draft legislative acts of the European Union in accordance with the Treaty on the European Union, the Treaty on the Functioning of the European Union and the provisions of this Act and the Standing Orders of Parliament.

If, within seven weeks from the submission of the draft legislative act of the European Union by the institutions of the European Union, the Committee establishes that the said draft legislative act does not comply with the principle of subsidiarity, it shall send a reasoned opinion to the Speaker of Parliament, who shall deliver it to the Government, the presidents of the European Parliament and the European Commission and to the Presidency of the Council of the European Union.

Article 14

If the Committee establishes that a legislative act of the European Union does not comply with the principle of subsidiarity, it may issue a reasoned conclusion, on the basis of which the Government brings an action before the Court of Justice of the European Union on the grounds of infringement of the principle of subsidiarity in accordance with Article 8 of Protocol 2 on the Application of the Principles of Subsidiarity and Proportionality accompanying the Treaty of the European Union and the Treaty on the Functioning of the European Union.

Participation in the procedure of proposing candidates of the Republic of Croatia for the
institutions and bodies of the European Union

Article 15

The Government shall submit to Parliament a report on a candidate of the Republic of Croatia for the European Commission, the Court of Justice and the General Court, the Court of Auditors and the Management Committee of the European Investment Bank.

The Committee shall discuss the report set forth in paragraph 1 of this Article at a session to which it convenes the candidate for representative of the Republic of Croatia in the institutions and bodies set forth in paragraph 1 of this Article. After the discussion, the Committee shall issue an opinion and deliver it to the Speaker of Parliament. The Government shall consider the Committee's opinion when adopting the final decision on the candidate for representative of the Republic of Croatia in the institutions and bodies set forth in paragraph 1 of this Article.

If the Government does not accept the Committee's opinion, it shall send a written notification and explanation to Parliament, which shall then hold a debate on that matter.

Transitional and final provisions

Article 16

The Government shall, within 60 days from the accession of the Republic of Croatia to the European Union, submit to Parliament a list of documents of the European Union set forth in Article 5 paragraph 1 of this Act, the adoption of which is underway or is about to begin in 2013.

On the basis of the Government's list set forth in paragraph 1 of this Article, the Committee shall adopt a Work Programme for the remaining period of 2013.

Article 17

This Act shall be published in the Official Gazette of the Republic of Croatia (*Narodne novine*) and shall come into force on 1 July 2013.