

The Role of the European Parliament in the Rulemaking Process of the EU

Abstract

The topic of the thesis concerns the law-making of the European Union. It intends to present the legal framework of the adoption of legislative acts and analyse the influence caused by the practice of informal procedures on de facto the situation in this field. Within the organisation structure, the emphasis is placed on the functioning of the European Parliament and within the informal procedures on so-called trilogue negotiations. Firstly, we examine the nature of informal procedures and trilogue negotiations. Secondly, we analyse what the influence of those procedures on the factual state of affairs of the ordinary legislative procedure in the light of its *de lege lata* concept and thirdly we evaluate the outcome from the EU functioning principles' point of view.

After the *de lege lata* overview and the specification of the trilogue negotiations and other modalities of the informal procedures, we analyse some typical impacts of the trilogue negotiations on the practice of the adoption of legislative acts. We conclude that the trilogue negotiations constituted the so-called early agreements practice as a standard concept of the ordinary legislative procedure and materially substituted the three readings' concept. We also conclude that changes in the functioning of the European Parliament and the European Commission occurred. With regards to the European Parliament, we describe its racialisation and institutionalisation, regarding the European Commission we emphasise its empowerment leading to similar standing as the legislative authority. Lastly, we evaluate the transparency of the ordinary legislative procedure in the of the trilogue negotiations, and we evaluate the impacts of trilogue negotiations in relation to the principles stemming from the democracy value.

We suggest some *de lege ferenda* measures following the partial evaluations in the thesis. Concretely, we suggest the regulation of the trilogue negotiations in primary law on the basis of the conciliation procedure. Further, we suggest the public nature of the political trilogues, and in the light of previously mentioned, we suggest the establishment of an online database ensuring documents access related to the trilogue negotiations. Lastly, we make a suggestion not directly related to the trilogue negotiations in the form of legislative initiation of the European Parliament, and within its concept, we suggest an establishment of a modality of the European Citizens' Initiative.

Klíčová slova: trilogue negotiations, ordinary legislative procedure, transparency in the law-making