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The Role of the Parliament in European Integration: Croatia's Lessons for Ukraine

• Abstract •

After Ukraine was granted the status of a candidate for EU membership in June 2022, the cooperation between Ukraine and the European Union has reached a new level. Such development poses challenges for the Parliament of Ukraine, which is simultaneously facing the challenges of war. It is crucial to identify, what examples from foreign experience can be explored and which good practices can be adopted to enhance parliamentary mechanisms for European integration of Ukraine. A relevant case study of successful European integration of Croatia is presented in the article. Drawing from the Croatian experience, examination of official documents, parliamentary records, and legislative acts, the article makes an overview of some adaptations conducted for successful integration of Croatia into the EU.

Keywords: Parliament, *Hrvatski sabor* (Croatian Parliament), *Verkhovna Rada* of Ukraine (VRU) (Supreme Council of Ukraine), Parliament of Ukraine, European Integration.

Introduction & framework

In times of globalization, the states have the luxury not only to exchange goods and technologies for mutual development, but also to share experiences in policy building processes. The same applies for parliamentary and legislative mechanisms. The current 27 EU member states make a good study sample for states aspiring to become members of the European Union.

In 2022 Ukraine, Moldova and Bosnia and Herzegovina were granted the status of a candidate for EU membership (European Council, 2022). In 2024, there are ongoing accession negotiations with North Macedonia and Albania, Serbia

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and Montenegro are candidate countries. Ukraine started negotiation process with the EU on June 25th, 2024 (Council of the European Union, 2024). Thus, the European Union is now standing at the beginning of a comprehensive enlargement, which is consistent with the EU Neighbourhood policy¹ and the European Union priorities for 2019–2024.²

In order to be accepted to the EU, the states should fulfil three categories of criteria (Copenhagen criteria for the EU accession).³ The criteria include stability of institutions guaranteeing values and principles of the EU. Some principles are formulated in the doctrine (e.g. the rulings of the CJEU and the ECHR), others are listed in the Article 2 of TEU and include: “the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men prevail”.⁴ The second set of criteria include the existence of a functioning market economy that will be able to compete with the common European market. The third one refers to the ability to take on the whole scope of obligations that emerges from a state’s membership in the EU. The third set of the aforementioned criteria cannot be achieved without an effectively functioning parliament. The parliament is responsible for adopting and enforcing legislation, conducting oversight, thus ensuring country’s alignment with policies and practices of the EU.

It is important to note, that the EU can pose additional requirements that either lay within or go beyond the Copenhagen criteria. For example, in order to ensure that the state will be ready to start negotiation process, a ‘conditional’ candidate status was granted Ukraine in 2022. The European Commission obliged Ukraine to comply with additional 7 steps. Those include fighting corruption; adopting the law on media; implementing the Anti-Oligarch law; finalizing the reform of the legal framework for national minorities; conducting reform regard-

¹ European Commission. (n.d.). *European Neighbourhood Policy*. Retrieved November 13, 2024, from https://neighbourhood-enlargement.ec.europa.eu/european-neighbourhood-policy_en

² European Union. (n.d.). *European Union priorities, 2019–2024*. Retrieved November 13, 2024, from https://european-union.europa.eu/priorities-and-actions/eu-priorities/european-union-priorities-2019-2024_en

³ European Council. (1993). *Conclusions of the Presidency – Copenhagen, June 21–22, 1993*. SN 180/1/93. Retrieved November 13, 2024, from <https://www.consilium.europa.eu/media/21225/72921.pdf>

⁴ Consolidated version of the Treaty on European Union. (2012). *Official Journal of the European Union*. Document C 202/1. Retrieved November 13, 2024, from https://eur-lex.europa.eu/eli/treaty/teu_2016/oj

ing the selection procedure for judges of the Constitutional Court of Ukraine; ensuring that anti-money laundering legislation complies with Financial Action Task Force requirements and adopting a reform plan for the law enforcement sector; and establishing the High Qualification Commission of Judges of Ukraine.⁵ It demonstrates that the process of European integration remains a political one. The EU institutions as well as the member states take precautionary steps. With posing additional requirements, the EU reserves some time for observation of the behaviour of the candidate state and more thorough decision-making. This way, the EU aims to ensure, that the future EU member has the capacity and shows commitment to join the EU that goes beyond mere political declarations.

The process of European integration of the parliament, often referred to in the literature as *Europeanisation*, manifests itself in at least two ways (Auel, Benz, 2005, p. 372). First, the EU member states, when joining the EU, transfer part of the powers of the EU, thus voluntarily limiting their sovereignty in certain aspects, one of which being the legislative function of the parliament. According to Article 288 of the TFEU, EU institutions have the right to create legal acts: regulations, directives, decisions, recommendations, and opinions.⁶ Herewith, directives and regulations have a binding direct effect on EU member states and decisions are binding on the states to whom it is addressed. Joining the EU is inherently connected to aligning the national legislation with EU *acquis* and unconditionally adopting core EU legislation.

Second, the process of *Europeanisation* can be characterized by the shift of power between the legislative bodies and the executive ones (Auel, Benz, 2005, p. 377). While the parliament frequently has to adopt EU legislation directly, the national government engages itself in the policymaking processes at the supra-national level and develops regulations and legal acts ensuring the correct functioning of the EU legislation on domestic level. Some scholars even argue that the *Europeanisation* process poses a threat to parliaments, leading to *de-parliamentarisation* (Goetz, Meyer-Sahling, 2008, p. 6).

Simultaneously, scholars now talk about the *de-Europeanisation*, which can occur, when the states fail to properly adopt the EU requirements (Ertugal, 2021, p. 4).

⁵ European Commission. (2022). *Communication from the Commission to the European Parliament, the European Council and the Council Commission Opinion on Ukraine's Application for Membership of the European Union, Document 52022DC0407*. Retrieved November 13, 2024, from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022DC0407>

⁶ Consolidated version of the Treaty on the Functioning of the European Union. *Official Journal of the European Union*. Document C 326/47. Retrieved November 13, 2024, from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF>

As Tokatli S. (2021, p. 73) argues, the tendency among Croats to identify themselves as Europeans and prioritizing the European vector of state development served as a catalysing factor for Croatia to successfully become an EU member state. According to the author, the opposite was true for other states in the Balkan region (e.g. Serbia). Membership in the EU was proclaimed the national objective of the Republic of Croatia in 2002.⁷ The proclamation was followed by parliamentary oversight over its exercising.

In Ukraine, the societal support for EU accession remains high. In 2013–2014, during the Revolution of Dignity, Ukrainians declared their political intentions and ambitions to join the European Union. The result of the Revolution was the signing of the Association Agreement of Ukraine with the European Union (2014).⁸ The agreement itself is an innovative instrument (Van der Loo, Van Elsuwege, Petrov, 2014) that provides for a high degree of integration of Ukraine with the Union even before Ukraine acquires the status of an EU member state. For at least three consecutive years (2022–2024) 91% of Ukrainians want Ukraine to become an EU member state before 2030 (National Democratic Institute, 2024). In political and governmental realm, the EU integration is one of the top-2 goals for Ukraine, besides winning the war. The irreversibility of Ukraine's European course is enshrined at the highest legislative level – in the text of the Preamble to the Constitution of Ukraine (1996) and is reflected in current law-making processes.⁹

The case of the European integration of Ukraine is of an extraordinary nature. Because of the full-scale invasion of the Russian Federation in Ukraine, the state is under martial law since February 24, 2022.¹⁰ Subsequently, the main actors in the process of the European integration – the government and the parliament, are subjected to continuous challenges and were forced to undergo procedural and organizational changes. Therefore, in this article, the issue of becoming an EU member state during war is also addressed.

⁷ Resolution on the Accession of the Republic of Croatia to the European Union. (2002). Retrieved November 13, 2024, from <https://www.sabor.hr/en/european-union/resolution-accession-republic-croatia-european-union-18-december-2002>

⁸ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other pArticle Document 02014A0529(01)-20231201. Retrieved November 13, 2024, from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014A0529%2801%29-20231201>

⁹ Constitution of Ukraine. (1996). *The Official Bulletin of the Verkhovna Rada of Ukraine*, no. 30, Article 141. Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/en/254%D0%BA/96-%D0%B2%D1%80#Text>

¹⁰ On the Imposition of Martial Law in Ukraine, Decree of The President of Ukraine. Retrieved November 13, 2024, from <https://www.president.gov.ua/documents/642022-41397>

The paper proceeds as follows. First, the peculiarities of the functioning of the parliament of Ukraine during wartime are presented. Second, the applicability of the case of Croatia to Ukraine is discussed, highlighting the unique nature of the process of European integration of Ukraine during war. Lastly, the specific lessons derived from Croatia's EU integration are formulated by conducting a comparative analysis of the parliamentary functions (legislative and control) in both states. Methodology-wise, the article is based on the review of the parliamentary procedures in both states, enshrined in legislation and collecting data from official state web resources (e.g. statistical information relating to the work of the VRU).

European integration during war: challenges for the Parliament of Ukraine

The parliament of Ukraine carries out its constitutional role during war. In response to the crime of aggression conducted by the Russian Federation, on February 24th, 2022, the President of Ukraine issued a decree imposing martial law in Ukraine. In compliance to the Law “On the Legal Regime of Martial Law”,¹¹ certain parliamentary procedures were amended. For example, the parliament of Ukraine of the ninth convocation works in a continuous single plenary session, which continues until the day the martial law in Ukraine is terminated or revoked (Article 1 of the Resolution of the VRU “On Certain Issues of the Organization of the Work of the *Verkhovna Rada* of Ukraine of the Ninth Convocation under Martial Law Conditions”).¹² The Chairperson of the VRU announces a break in the ongoing plenary session and determines the time and place of its continuation. During the recess, parliamentary work continues, particularly through convening committee meetings. For security reasons, the members of the parliament present at the plenary session are not allowed to share information about the start, progress, and decisions made during the session for at least an hour after the session is renewed. The transparency of parliamentary work is limited, as online transmission of the plenary session is cancelled,¹³ and the access of journalists to the parliament was restricted (February 2024–May 2024) (Press Service VUR, 2024b).

¹¹ Act on the Legal Regime of Martial Law, *Law of Ukraine no. 389-VIII*. (2023). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/389-19#Text>

¹² Act on Certain Issues of the Organization of the Work of the Verkhovna Rada of Ukraine of the Ninth Convocation under Martial Law Conditions, Resolution of the Verkhovna Rada of Ukraine. (2023). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/2912-20#Text>

¹³ Instead of online transmissions, the recordings of plenary session are available.

Despite the aforementioned, the VRU is executing its powers in accordance with the constitution of Ukraine and the Rules of Procedure of the VRU. The *Verkhovna Rada* of Ukraine is the only legislative body in Ukraine, as provided in the constitution of Ukraine (Article 75). The powers of the VRU are defined in the Article 85 of the Constitution. According to the article, the Parliament establishes the principles of domestic and foreign policy, supervises the implementation of the state's strategic direction in pursuit of Ukraine's full membership in the European Union and the North Atlantic Treaty Organization, ratifies or revokes international treaties.

The VRU works in sessions (Article 82). The regular sessions begin on the first Tuesday of February and the first Tuesday of September each year (Article 83). In the event of the introduction of martial law, the VRU is to meet for an extraordinary session and works until the martial law or state of emergency is lifted (Article 11, VRU Rules of Procedure).¹⁴

The legislative work of the parliament is conducted according to the Legislative Drafting Plan, which is adopted annually, at the beginning of the regular session (Article 191, VRU Rules of Procedure). The Legislative Drafting Plan for 2024 was adopted on February 6, 2024 (Press Service VRU, 2024a).

On the one hand, the legislation of Ukraine provides the parliament with clear procedures of functioning during martial law. Simultaneously, the VRU has the task of participating in the process of European integration while addressing the challenges of wartime. The latter manifests itself, for example, in the interplay between the Legislative Drafting Plan, urgent wartime issues and the European integration priorities in legislative work. During the 10th session (September 5, 2023–February 5, 2024) the parliament adopted 64 laws, only 20 of which were previously laid down in the Legislative Drafting Plan for 2024.¹⁵

Since February 24, 2022, through August 2024, a total of 4,147 draft laws were registered in the Ukrainian parliament, with 770 to 1,138 draft laws registered per session. Wartime conditions necessitate swift responses to the threats posed by international armed conflict. Under such circumstances, adopting laws without discussion may be justified. During the 10th session, 31% of laws were adopted without discussion during the first hearing. This figure is significantly lower than in the first year of the war, when 69% of laws were adopted in this manner (Internews Ukraine, 2023–2024).

¹⁴ On the Rules of Procedure of the Verkhovna Rada of Ukraine, *Law of Ukraine No. 1861-VI*. (2010). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/1861-17#top>

¹⁵ Verkhovna Rada of Ukraine. (n.d.). Operatyvna informatsiia pro rezultaty rozghliadu pytan poriadku dennoho na plenarnykh zasidanniakh. Retrieved November 13, 2024, from <https://www.rada.gov.ua/meeting/faxiv/82>

Since February 2022, additional trends have emerged in the work of the parliament, such as the issue of delegating competencies to the executive branch. One example is the Law of Ukraine “On Amending Certain Laws of Ukraine Regarding the State Final Attestation and Admission Campaign of 2024”.¹⁶ According to it, the procedure of admission to the university is to be established by the Ministry of Education, which is non-compliant with the Ukrainian law on higher education. According to the doctrine, such ‘delegation’ is acceptable as long as it is used in exceptional circumstances, adheres to the provisions of the Constitution of Ukraine, is temporary and “is accompanied by appropriate parliamentary or judicial oversight” (Internews Ukraine, 2023–2024). By the third year of the full-scale invasion, such trend has significantly decreased. The aforementioned, as well as the overall increasing of the amount of time the parliament devotes to discussing the draft laws, indicates that the parliament is returning to the ordinary (pre-war) way of functioning.

Applicability of the case of Croatia to Ukraine

As a case study, the Croatian example provides valuable insights into the legislative and procedural adaptations required for successful integration into the European Union. It can be stated that the Republic of Croatia is a good case study for Ukraine based on several reasons.

First, Croatia is the last state to become a member of the EU making the state’s case the most temporally relevant.¹⁷ Croatia finally concluded accession negotiations on June 30, 2011, and signed the Treaty of Accession in Brussels on December 9, 2011, followed by its approval in a national referendum on January 22, 2012, and the completion of the ratification process on April 4, 2012. Croatia’s accession to the EU took place on July 1, 2013, as all 27 EU members and Croatia had ratified the treaty by that date. The process of EU integration of Croatia was unique in comparison to the other member states, as the state was the first one (so far, the only one) to enter the Union after the adoption of the Treaty of Lisbon.

Second, the state has substantial experience in conducting post-war recovery. The Croatian War of Independence took place from 1991 to 1995, which was fol-

¹⁶ On Amending Certain Laws of Ukraine regarding the State Final Attestation and Admission Campaign of 2024, *Law of Ukraine No. 3438-IX* (2023). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/3438-IX#Text>

¹⁷ European Commission. (n.d.). Directorate-General for Neighbourhood and Enlargement Negotiations. *Croatia*. Retrieved November 13, 2024, from https://neighbourhood-enlargement.ec.europa.eu/croatia_en

lowed by comprehensive work on post-war recovery, including the establishment of new institutions, developing new processes of the functioning of the independent democratic state, and aligning national legislation with the European *acquis communautaire*. One might argue that the case of Ukraine is vastly different, given the scale of atrocities and the discrepancy in time between warfare and the EU accession process in Croatia. Nonetheless, some parallels can be drawn, such as the power imbalance between the parties to the conflict, a numerical advantage in weapons and soldiers in the Yugoslav National Army and Russian army in comparison to the Croatian army and Ukrainian armed forces, respectively, and the high number of civilian casualties, connected to a specific aggressor's war strategy (Hebrang, Henigsberg, Golem, Vidjak, Brnić, Hrabac, 2006). Surely enough, the process of European integration of Ukraine is complicated by the ongoing hostilities. However, as described in the previous section, the VRU continues to effectively exercise its constitutional powers. In its turn, after the warfare ceased, Croatia faced obstacles connected *inter alia* to the high level of Euroscepticism within the ruling elite (the president Tudjman and the leading party of the Croatian Democratic Union), which postponed the state's EU integration for at least 5 years (European Stability Initiative, 2014).

Third, the constitutional role of the parliaments in both states is significant, with Croatia being a parliamentary republic, and Ukraine – a premier-presidential republic. Moreover, the way of conducting parliamentary procedures is similar. Ukraine has a unicameral parliament, which is the only legislative body in Ukraine. It operates on the basis of the Constitution of Ukraine. *Hrvatski Sabor*, the parliament of Croatia, is also a sole legislative representative body (Article 70, Croatian Constitution) which is unicameral, is elected for a term of four years (Article 73) via direct, universal and equal suffrage by secret ballot (Article 72).¹⁸ The parliament works in sessions (Article 79) and adopts laws in three consecutive hearings. The similarities also include the specifics of work of parliamentary committees and their secretariats and conducting parliamentary procedures, as will be discussed below. The constitutional composition of the parliament is significantly smaller (100–160 members in comparison to 450 MPs in Ukraine), however the country itself is smaller, which is why the functioning of the two parliaments can be compared on a scale.

Both Ukraine and Croatia experienced communist regimes, which has longitudinal impact on the specifics of the functioning of a state. Croatia gained inde-

¹⁸ Constitution of the Republic of Croatia as of 15 January 2014 (consolidated text), *Official Gazette Nos 56/90, 135/97, 113/00, 28/01, 76/10 and 5/14*. Retrieved November 13, 2024, from https://www.usud.hr/sites/default/files/dokumenti/The_consolidated_text_of_the_Constitution_of_the_Republic_of_Croatia_as_of_15_January_2014.pdf

pendence in June 1991 and started a path of democratic transformation of a state (Ognjenovic, Jozelic, 2021). In 2001, was signed the Stabilisation and Association Agreement (S.A.A.) between the European Communities and their Member States, on the one hand, and the Republic of Croatia, on the other hand. The Agreement came into force in 2005. The goals of the document, listed in its Article 1, include fostering political dialogue, enhancing economic development (including transitioning to market economy) and developing regional cooperation. The Agreement is also an instrument for promoting European values, as respect for the democratic principles and human rights is enshrined in its provisions (Article 2, S.A.A.). In essence, the goals partially reflect the Copenhagen criteria for EU accession. The aforementioned provides a basis for stating that the Agreement is a precursor to the state's EU association.

In turn, Ukraine proclaimed independence in August 1991 and in 1993 the Resolution of the VRU "On the Main Directions of Ukraine's Foreign Policy" was adopted.¹⁹ A separate section of the document covers issues of European regional cooperation, stating that a promising goal of Ukraine's foreign policy is membership in the European Communities. This clearly indicated Ukraine's intention to move away from its Soviet past and prioritize cooperation with the EU. This intention is also reflected in subsequent political decisions. In 1998, the Partnership and Cooperation Agreement between Ukraine and the European Communities and their Member States came into force²⁰ and was later superseded by the 2014 Association Agreement. In 2000 The Program of Ukraine's Integration into the European Union was developed and approved by a decree of the President of Ukraine.²¹ A few years later, in 2004, the Law of Ukraine "On the Nationwide Program for the Adaptation of Ukrainian Legislation to the Legislation of the European Union" was adopted.²²

Considering the Soviet past of both states and their orientation towards European integration shortly after gaining independence, it can be assumed that the

¹⁹ On the Main Directions of Ukraine's Foreign Policy. Resolution of the Verkhovna Rada of Ukraine. (1993). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/3360-12?lang=en#Text>

²⁰ Partnership and Cooperation Agreement between Ukraine and the European Communities and their Member States. (1994). Retrieved November 13, 2024, from https://zakon.rada.gov.ua/laws/show/998_012#Text

²¹ On the Program of Ukraine's Integration into the European Union. Decree of The President of Ukraine (repealed). (2000). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/1072/2000#Text>

²² On the Nationwide Program for the Adaptation of Ukrainian Legislation to the Legislation of the European Union, *Law of Ukraine no. 1629-IV*. (2004). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/1629-15#Text>

democratization of the states proceeded similarly. The latter thesis is supported by studies of democratic processes (Democracy Index) conducted by The Economist Intelligence Unit (Kekic, 2007). The Democracy Index considers electoral process and political pluralism, functioning of the government, political participation of the citizens, overall political culture and civil liberties. It is an assessment of the country across the five aforementioned categories, which allows for the formulation of a score on a 10-point scale and the assignment of the country to one of four regime types: full democracies, flawed democracies, hybrid regimes, and authoritarian regimes.

When compared, the scores of Croatia and Ukraine show some tendencies (Table 1). Despite the fluctuation, both countries belong to the category of flawed democracies. Based on The Economist Intelligence Unit (EIU) definition, flawed democracies are characterized by the existence of democratic elections and respect for basic civil liberties with simultaneous problems regarding functioning of the government, political participation and overall political culture (EIU, 2023).

In 2006, a year after Croatia entered the negotiation process with the EU,²³ both Indexes remained statistically close: the difference in indicators amounted to 1.43%. However, as shown in the table, the states experienced a decline in democracy index over the course of seventeen years – 7.68% for Croatia (from 7.04 in 2006 to 6.50 in 2023) and 27.09% in Ukraine (from 6.94 in 2006 to 5.06 in 2023). While the possibility to compare the results is limited (especially due to the extraordinary circumstances, in which Ukraine is forced to maintain democratic regime), we can confirm the postulation that Croatia is a relevant study sample of successful EU integration.

	2006	2011	2013	2014	2022	2023
Croatia	7.04	6.73	6.93	6.93	6.50	6.50
Ukraine	6.94	5.94	5.84	5.42	5.42	5.06

Table 1. *Democracy Index in Croatia and Ukraine. Source: The Economist Intelligence Unit.*²⁴

²³ The first available EIU index dates back to the 2007 report, which covers the state of democracy in 2006.

²⁴ As of summer 2024, the yearly reports are available online from 2006 up to 2023. The EDI shown in the table refer to the significant point in the European Integration of Croatia and Ukraine, respectively. 2011 – concluding the negotiation in Croatia, 2013 – Croatia joins the EU, 2014 – Association agreement is signed in Ukraine, 2022 – Ukraine becomes a candidate state for EU membership.

Given the communist past of the states, it can be postulated, that the democracy is still in the process of shaping, hence – the continuous presence of Croatia and Ukraine in the group of flawed democracies. To cope with the remnants of the communist regime, both states occasionally had to resort to the practice of militant democracy, exercising the parliamentary role of being the “democracy watchdog”. Ukraine has a proven track record of using the means of militant democracy, such as the attempt to ban the communist party in 1991.²⁵ The latter was, however, followed by years of state’s inactivity regarding this issue (Barabash, Berchenko, 2023, p. 66). The re-activation of the means of militant democracy (ban of political parties and certain symbols, lustration etc) in Ukraine correlate both with the signing of an Association Agreement with the EU and the start of Russian occupation of Crimea in 2014 (Bakumov, 2023, p. 17). The latest example of such measure in Ukraine is the adoption of a law limiting the activities of religious organizations that have ties with Russia.²⁶

In comparison, in Croatia at least three attempts to ban the activity of extremist political parties were conducted with various success (Maciej, 2024), and the use of verbal manifestations of the totalitarian appeals is being penalized (Jašić, 2023).

Undoubtably, the possibility of policy transfer between states is limited. However, based on the relative similarity of Croatian and Ukrainian experience, familiarization with the history of EU integration of Croatia may be beneficial for Ukraine. Ultimately, Croatia’s successful completion of the EU negotiation process and its accession to the European Union were facilitated by strong cooperation with both European institutions and neighboring states in a regional context (Horopakha, 2018, p. 33).

The aforementioned leads to yet another reason why Ukraine can draw some experience from the Croatian example. The VRU is continuously establishing cooperation with the parliaments of EU member states. The VRU deepens ties with the Parliament of Croatia, based on provisions of the Memorandum on cooperation between the *Verkhovna Rada* of Ukraine and the Parliament of Croatia. The Memorandum was signed on 26 of October 2022 between the Secretariat of

²⁵ “On the Temporary Suspension of the Activity of the Communist Party of Ukraine”. Decree of the Presidium of the Verkhovna Rada of Ukraine. (1991). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/rada/show/1435-12?lang=en#Text> The decree was declared unconstitutional in 2001, as the constitutional procedure of banning political parties by court decision was not followed. However, the communist party of Ukraine is successfully banned in Ukraine as of 2024 as a result of the state decommunization policy.

²⁶ On the protection of the constitutional order in the sphere of activities of religious organizations. *Law of Ukraine No. 3894-IX*. (2024). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/3894-20#top>

the VRU and the Expert Service of the Croatian Parliament (*Verkhovna Rada* of Ukraine, 2023). The Office for International and European Affairs of the Croatian Parliament engages in capacity building processes in the VRU by providing technical assistance to the countries of the South-Eastern Europe and countries of the Eastern Neighbourhood. In order to exchange experience and best practices, educational visits of VRU representatives to the parliaments of Croatia take place (Internews Ukraine, 2023), online meetings are held, etc. By its nature, this interaction is similar to the cooperation of the parliaments of the EU member states within the framework of the COSAC²⁷ and emphasizes the importance of interparliamentary cooperation in the context of Ukraine's accession to the EU.

The Role of the Parliament in European Integration: Croatia's Lessons for Ukraine

Taking into the consideration the specifics of the functioning of the EU legislative system, it is the responsibility of the government to lead the process of the European integration of a state. The main legislative body, characterizing itself with broad discretion (Venher, 2013, p. 50), which plays an important role in a day-to-day life of a state, is being unfairly overlooked in the process of European integration. According to Hodic (2024), the European Commission did not pay enough attention to the role of the parliament in the integration process up until 2023, focusing on the executive branch. Nonetheless, in democratic states with separation of powers into three branches, the branches interact and strengthen each other. That is why the role of the parliament in the process is also significant.

Defining the parliament's role in the process of European integration is a complicated task, as the roles may be dependent on parliamentary tradition of the given state, the constitutional powers of the parliament and the geopolitical circumstances, etc. However, as Tapio Raunio (2011, p. 305) notes, the role of the national parliament can be categorized into two main groups: governance-related functions and those linked to its interaction with citizens. The parliamentary functions derived from Ukrainian constitutional doctrine include legislative, representative, constitutive, and control functions of the parliament (Burdin, 2020, p. 43). Thus, parliament is responsible for harmonization of the national legislation with the EU legal system (e.g. developing parliamentary procedures of adopting "Eurointegration" bills, amending existing legislation, including the Constitution), maintaining political consensus on issues related to the EU integration, conducting oversight over

²⁷ The Conference of Parliamentary Committees for Union Affairs.

the government, conducting parliamentary diplomacy, raising awareness among citizens and providing civic education, establishing new bodies, etc.

In this context, it is crucial to emphasize that the parliament has discrete powers to modify its functions and reallocate priorities among them. Starting negotiation process signifies a transition to a qualitatively enhanced level of cooperation with the European Union, which implies a change in the EU – Ukraine interaction (Komarova, Łazowski, 2023, p. 122). Consequently, at its *status quo*, the VRU can define its role in the negotiation process with the EU. During negotiations, *Hrvatski Sabor* focused mainly on its legislative and control function.

Legislative function

The most obvious parliamentary role regarding the process of European integration is the adoption of corresponding legislation. In this regard, *Hrvatski Sabor* developed new parliamentary procedures. In order to make the procedure of adopting the EU legislation faster, a number of changes were introduced to the standing orders of the parliament in December 2001. Particularly, the novelties to the system of codification of the bills. Article 177 of the Standing orders of the Parliament of Croatia was supplemented with rules of codifying bills that are being adopted with the aim of harmonization of legislation.²⁸ According to the forementioned article, the ‘European’ bills are marked “P.Z.E” (*prijedlog zakona europski*, i.e. “European draft law”), which makes it easier to track the number of adopted laws and to simplify the initiation of the “urgent procedure” of adoption of the law. The introduction of such procedural novelties led to a situation where the majority of laws were subject to the “urgent procedure” by default and adopted without parliamentary debate. In other words, the parliament voluntarily limited its functions to expedite the EU integration process. In addition, the Constitution of Croatia allows for the delegation of legislative function to the government (Article 88), which might be of great use during legislation harmonization. However, such measure is temporary (the governmental decree shall be valid for a year) and may regulate a limited sphere of social relations (it cannot concern human rights, civic rights, the electoral system, the establishment of governmental bodies and activities of local self-government).

Reduced scope of parliamentary debate may pose a threat to democracy. As was mentioned, above the *Europeanisation* itself may lead to *de-parlamentarisation*.

²⁸ Standing Orders of the Croatian Parliament. (2020). Retrieved November 13, 2024, from <https://www.sabor.hr/en/information-access/important-legislation/standing-orders-croatian-parliament-consolidated-text>

The additional limitations of the legislative function may accelerate the detrimental effect on the parliamentary role, changing the law-making process into a simply “rubber-stamping” process. However, *Hrvatski Sabor* used precautionary measures. The “European” bills were discussed and debated in the first reading in response to the proposition of the competent working body. Either the Committee on the Constitution, Standing Orders and Political System or the Legislation Committee could initiate a discussion to determine whether the proposed draft law complies with the Constitution or the legal system. The Legislation Committee ensures the unity of the legal system and monitors the overall compliance with the legislative methodology. It is important to note that the harmonization of law not only involves adopting new legislation but also encompasses amendments to existing national laws that may be inconsistent, inadequate in relation to the *acquis*, or incomplete. Additionally, it may involve the partial or complete withdrawal of regulations.

In Ukraine, a similar procedure to Croatian “urgent procedure” exists. Article 101 of the Rules of Procedure of the Parliament of Ukraine establishes the possibility to designate certain bills as urgent and include them in the agenda of the nearest plenary session of the parliament. The procedure allows shortening the time required for ordinary considering of the law. As Croatian experience shows, developing a protecting mechanism is needed to prevent adopting laws without discussion.

At the same time, as shown in the previous sections, the VRU does not abuse the possibility to adopt laws without discussion even in the circumstances of war. Additionally, the mere designation of a draft law to the cohort of “urgent” does not preclude the discussion in the session hall. The procedure authorizes either the President or the VRU itself to approve the consideration of a draft law out of turn, in the first instance. In the 2023 European Commission yearly report on Ukraine, it is stated that not only does the parliament systematically carries out its legislative function, but substantial attention is paid to the EU-integration laws. The primary body responsible for proposing “European” laws remains the government, meaning that the vast majority of draft laws related to EU integration are introduced to parliament by the government.

During the negotiation process, in 2010, the *Hrvatski Sabor* adopted constitutional amendments, introducing a new chapter – Chapter VIIA: “European Union”. This chapter transferred certain powers to EU institutions and recognized the direct applicability of EU law within Croatia.²⁹ The imposition of the martial law (as well as the state of emergency) in Ukraine makes it impossible to make

²⁹ Title VIIA was added to the constitutional text by Article 29 of the Amendments to the Constitution of the Republic of Croatia, *Official Gazette* 76/10.

changes to the constitution, as it is directly prohibited by article 157 of the Constitution. Concurrently, in the summer of 2024 the VRU adopted a law regarding the law-making activity, which will enter into force one year after the termination or cancellation of the martial law in Ukraine. The law arranges the law-making process and proposes a series of juridical novelties. For example, it shifts responsibility and obliges the subject of legislative initiative to check whether the draft law complies with the EU law (Article 27) before the draft law is even registered in the VRU.³⁰ As of now, according to Article 103 of the Rules of Procedure of the VRU, the obligatory expertise is conducted at the next stage – after the draft law was registered and included in the agenda of the session. Even though the law has not entered into force yet, its preparation, discussion, and adoption certainly contributed to the formation of a new culture of law-making activity in Ukraine.

Control function

One of the competences of the parliament of Croatia is conducting parliamentary control, both legal and political (on government). As follows from the previous section, the legislative process in the *Hrvatski Sabor* was simplified during the negotiation process. However, in the aspect of exercising parliamentary oversight, novelties were introduced.

Parliamentary control³¹ itself is the direct function of the *Sabor* (Article 144, Croatian Constitution), and the government is accountable to the Croatian Parliament (Article 115). The aforementioned innovation involved the creation of a National Committee – a monitoring body composed of representatives from various groups of MPs, both in terms of political affiliation (majority/opposition) and professional background (MPs from different committees).³² This Committee took part in preparing the negotiations position together with the government

³⁰ It is important to note, that such provision already exists for governmental draft laws. Additionally, pursuant to the Decree of the VRU “On some measures to fulfil Ukraine’s obligations in the field of European integration”, the “European” draft laws should be provided to the parliament alongside the table of compliance with the EU law.

³¹ For the purposes of this paper, only the direct parliamentary oversight is taken into consideration, meaning that the parliamentary control, exercised by accountable bodies outside of parliament (e.g. ombudsman, budget office) are not covered.

³² “Izjava Hrvatskoga sabora i Vlade Republike Hrvatske o zajedničkom djelovanju u procesu pregovora za članstvo u Europskoj uniji” (Statement of the Croatian Parliament and the Government of the Republic of Croatia on joint action in the process of negotiations for membership in the European Union) no. 12/2005, January 24, 2005. Retrieved November 13, 2024, from https://narodne-novine.nn.hr/clanci/sluzbeni/2005_01_12_189.html

and worked closely with the Croatian State Delegation for Negotiations to gather and exchange information, make recommendations, and conduct supervision. It also received the reports from the Head of the State Delegation for Negotiations, and the government annually, and reported to the parliament regarding the state of affairs twice a year.

As a particular way of parliamentary control, the members of the Croatian parliament are entitled to pose questions to the government and submit interpellations (Article 86 of the Croatian Constitution, 2010), which the government is obliged to react to within 15 days after the interpellation was submitted (Article 147 of the Standing Orders of the Parliament of Croatia, 2020).

The parliament of Ukraine conducts oversight as one of its constitutional functions (Article 85, Constitution of Ukraine). The standing committees of the VRU are characterized by the existence of control powers, as provisioned by Article 11 of the law “On the committees of the *Verkhovna Rada* of Ukraine” (1995).³³ As one of the new practises exercised in the parliament of Ukraine, there is post-legislative scrutiny that some Committees conduct (e.g. Committee on Youth and Sports (Internews Ukraine, 2024), Committee on Economic Development (2024), Committee on Energy, Housing and Utilities Services (2024) using the methodology of the British parliament. The Committees assess the effectiveness of the implementation of specific Ukrainian laws and identify issues that require legal regulation. The described practice is relatively rare and does not belong to the official methods of exercising parliamentary control defined by law. However, (1) it is only a matter of time before the practice becomes official, should it prove effective; (2) it could also be viewed as a means of conducting oversight over the government, since the implementation of the law requires the adoption of by-laws, which falls under the government’s prerogative.

Based on the provisions of the Constitution of Ukraine (Article 89), the VRU may create temporary special or investigative commissions – for the preliminary consideration of issues or to investigate on matters of public interest, respectively. The investigative commissions deal with the issues of violations of national legislation by state authorities, local self-government bodies, managers of enterprises etc., that constitute an area of public interest. The law “On temporary investigative commissions and temporary special commissions of the *Verkhovna Rada* of Ukraine” (2019) does not include an exhaustive list of reasons for appointing

³³ On the Committees of the Verkhovna Rada of Ukraine, Law of Ukraine no. 116/95-BP. (1995). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/116/95-%D0%B2%D1%80#Text>

a commission.³⁴ However, the VRU can create such commission if the violation of the law includes violating rights, freedoms and legitimate interests of citizens that led to significant damage to public interests; poses a threat to the sovereignty, the territorial integrity of Ukraine, its economy, environment, etc. (Article 4). Each commission has up to six months to conduct investigation and deliver a report regarding the conducted work with its conclusions on the issue to the VRU (Article 3). As of autumn 2024, eight temporary investigative commissions exist in the VRU.

S. Bates (2021) argues that parliamentary roles should be redefined using a new institutionalist approach, which includes thorough observation of patterns of behaviour of MPs. Contrary to Croatia, the interpolation does not officially exist in Ukraine. However, Ukrainian MPs exercise other instruments, in particular parliamentary requests and parliamentary appeal as provisioned by the 1992 law “On Status of People’s Deputy of Ukraine”³⁵ and the “Rules of Procedure of the *Verkhovna Rada* of Ukraine”. When filing an appeal, Ukrainian politician Yaroslav Zheleznyak reports about measures taken through his Telegram channel with 49938 subscribers. Social media posts, blogposts of the MPs etc. constitute an additional platform for informing society about the activities of the parliament. Although requests are available on the official parliamentary website, this approach allows parliamentary appeals and requests to take a more accessible form, potentially strengthening parliamentary oversight with the involvement of civil society. The aforementioned indicates that the VRU already inclines towards prioritizing its oversight function, especially at the level of individuals (MPs).

Additionally, as Olha Stefanishyna, Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine, emphasizes, negotiation process should be conducted with direct involvement of the parliament (Service of the Deputy Prime Minister of Ukraine, 2024). In fact, the representative of the Secretariat of the VRU and MPs are the members of the Interdepartmental Working Group on Ensuring the Negotiation Process on Ukraine’s Accession to the European Union and Adaptation of Ukrainian Legislation to European Union Law.³⁶ Ukrainian

³⁴ On Temporary Investigative Commissions and Temporary Special Commissions of the *Verkhovna Rada* of Ukraine. Law of Ukraine no. 400-IX. (2019). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/400-20#top>

³⁵ On Status of People’s Deputy of Ukraine. Law of Ukraine no. 2790-XII. (1992). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/en/2790-12?lang=uk#Text>

³⁶ “Some issues of ensuring the negotiation process on Ukraine’s accession to the European Union”. Decree of the Cabinet of Ministers of Ukraine No. 987. (2024). Retrieved November 13, 2024, from <https://www.kmu.gov.ua/npas/deiaki-pytannia-zabezpechennia-perehovorno-ho-prot-sesu-pro-vstup-ukrainy-a987>

legislation allows MPs to participate in the governmental working groups on his/her own behalf.

It is important to note, that as the Constitutional Court of Ukraine emphasized in 2001, the committees of the VRU cannot be considered independent subjects of parliamentary control.³⁷ Despite exercising scrutiny, they are only engaged at the stage of preliminary consideration of issues, and the parliamentary oversight is to be performed by the VRU as a body.

Conclusion

The transferability of Croatian experience regarding the process of European integration is limited yet offers valuable insights for Ukraine. The social and economic background of the two states differ, the circumstances of their processes of integration into the EU are quite different as well. Nonetheless, drawing from Croatia's experiences can serve as a catalyst for a more effective parliamentary involvement in Ukraine in the European integration process. The similarities that allow for drawing lessons from the Croatian example include the timing of independence, post-war recovery experiences, decommunization processes, current trends in democratization, and the similarities in the functioning of both parliaments.

The legislative function is the defining feature of the parliament. In both countries, the Parliament is the only state body with lawmaking authority. However, when a Europeanization of the Parliament takes place, a shift in power occurs, and the legislative function of Parliament in the context of EU integration takes a backseat, giving way to enhanced parliamentary scrutiny. *Hrvatski Sabor* declared the EU membership to be an official national goal and put the emphasis on its oversight function. As scholars argue, conducting effective parliamentary scrutiny over the work of the government and exercising parliamentary influence through monitoring the process of EU integration, helped Croatia to successfully become an EU member state.

The Parliament of Ukraine is simultaneously focused on addressing ongoing war-related issues within the state, while also participating in Ukraine's EU in-

³⁷ Conclusion of the Constitutional Court of Ukraine in the case of the appeal of the Verkhovna Rada of Ukraine to provide an opinion on the compliance of the draft Law of Ukraine "On Amendments to the Constitution of Ukraine (Articles 84, 85, 89, 92, 93, 94, 106, 147, 150, 151 and paragraph 6 of Chapter XV of the Constitution of Ukraine)" to the requirements of Articles 157 and 158 of the Constitution of Ukraine (the case of amendments to Articles 84, 85 and others of the Constitution of Ukraine). Kyiv, March 14, 2001 Case N 1-11/2001 (N 1-v/2001). Retrieved November 13, 2024, from <https://zakon.rada.gov.ua/laws/show/v001v710-01#Text>

regation process. Such circumstances make the normal functioning of the parliament complicated, however the VRU has adapted and mostly has returned to the pre-war way of functioning as of 2024. As Ukraine is entering the new phase of EU accession (negotiations), the VRU can define its role and prioritize one or some of its functions in the process. Given that the VRU has a broad variety of options and already shows tendencies to prioritize control function, as Croatia did, time will shortly show, which role the parliament of Ukraine chose for itself.

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