



**OPINION OF THE EUROPEAN CENTRAL BANK**  
**of 10 July 2014**  
**on rules governing consultation of the European Central Bank**  
**(CON/2014/54)**

**Introduction and legal basis**

On 5 May 2014, the European Central Bank (ECB) received a request from a Member of the Slovak Parliament<sup>1</sup> for an opinion on a draft law (hereinafter the ‘draft law’) amending Law No 350/1996 on the Rules of Procedure of the National Council of the Slovak Republic<sup>2</sup>, as amended (hereinafter ‘Law No 350/1996’).

The ECB’s competence to deliver an opinion is based on Articles 127(4) and 282(5) of the Treaty on the Functioning of the European Union and Article 2(1) of Council Decision 98/415/EC<sup>3</sup>, as the draft law relates to the advisory function of the ECB. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.

**1. Purpose of the draft law**

The draft law amends the rules of procedure of the Slovak Parliament to provide that Members of Parliament (MPs) or parliamentary committees, when proposing a draft law or a draft amendment to a draft law within the ECB’s field of competence, must ensure that the ECB is duly consulted.

The draft law provides that any draft law introduced in the Slovak Parliament which is subject to mandatory consultation with a Union institution is to be accompanied by the opinion delivered by that Union institution<sup>4</sup>. Where a draft law is proposed by an MP or parliamentary committee, consultation of the relevant Union institution is to be arranged by the Office of the Slovak Parliament following a request from the relevant MP or parliamentary committee. The same applies to draft amendments proposed to draft laws which have been submitted to the parliamentary procedure<sup>5</sup>. Furthermore, an MP or other sponsor of a draft law may propose that debate on the draft law be suspended until an opinion is delivered by the relevant Union institution.

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<sup>1</sup> A draft law in Slovakia may be proposed by the Government, a parliamentary committee or a Member of Parliament.

<sup>2</sup> The National Council of the Slovak Republic is the Parliament of the Slovak Republic (hereinafter the ‘Slovak Parliament’).

<sup>3</sup> Council Decision 98/415/EC of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998, p. 42).

<sup>4</sup> See Article I(2) of the draft law, which inserts a new paragraph 6 into Section 68 of Law No 350/1996.

<sup>5</sup> See Article I(1) of the draft law, which inserts a new paragraph 4 into Section 29 of Law No 350/1996.

**2. Consultation of the ECB regarding draft national legislation proposed by MPs or parliamentary committees**

The duty to consult the ECB on draft national legislation falling within its field of competence derives from Articles 127(4) and 282(5) of the Treaty and Council Decision 98/415/EC. The adaptation of the rules of procedure of the Slovak Parliament aims to ensure the proper and timely submission of relevant draft legislative provisions for the consultation of the ECB. This adaptation is in line with Article 4 of Decision 98/415/EC which requires that each Member State takes the necessary measures to ensure effective compliance with its provisions. As MPs and parliamentary committees in Slovakia have the power to propose legislation, the ECB welcomes that the rules of procedure of the Slovak Parliament are to be amended to ensure that the ECB is consulted in situations where draft laws or draft amendments to a draft law proposed by MPs and parliamentary committees fall within the ECB's field of competence.

This will also address an issue highlighted in the explanatory memorandum to the draft law<sup>6</sup> where a particular draft law is submitted to the Slovak Parliament and does not fall within the ECB's field of competence, but late amendments are proposed to the draft law in the course of the parliamentary procedure concerning topics on which the ECB should be consulted. The ECB reiterates that even in the case of such late amendments, the national process of adopting draft legislative provisions must be suspended pending the adoption of the ECB's opinion. The Slovak Parliament has to have the opportunity meaningfully to deliberate the ECB's opinion prior to its final vote on a draft legislative provision.

This opinion will be published on the ECB's website.

Done at Frankfurt am Main, 10 July 2014.

[signed]

*The President of the ECB*

Mario DRAGHI

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<sup>6</sup> See the explanatory memorandum to the draft law, in particular regarding Point 1 of Article I of the draft law.