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and gradual Europeanization**

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In this paper we discussed how the literature traces a growing involvement of the national parliaments in EU policy-making. Three phases can be distinguished: limited or no involvement was the trend until the 1980s; after the Single Act (SEA, 1987), national parliaments started to be interested in European affairs and to set up specialized committees; following the Maastricht Treaty (TUE, 1992), the involvement of national parliaments in EU affairs became a response to the question of "democratic deficit" in the EU (Norton, 1995).

The growing number of policies dealt with at the EU level, the consequently increased influence of EU law in national legislations, the new powers of the Union: all of these worked together to push national legislators to seek a scrutiny role in the drafting of EU legislation. According to Laprat (1995: 1), once the TUE was formally approved, a more parliamentary climate prevailed. In more recent years, national parliaments have distinguished themselves for their increased role in the scrutiny of EU legislation (Raunio and Hix, 2001: 152); more specialized MPs sit in the committees on EU affairs; the amount of work for EU specialists has increased. Also, parliamentary scrutiny, initially only optional and ex post, is now increasingly ex ante and/or mandatory (Maurer and Wessels, 2001: 425-475).

Also, though national parliaments are not mentioned in the first ten paraconstitutional articles of the TUE, they are now the object of various specific Declarations and Protocols: Declaration 13 and 14, attached to the Maastricht Treaty, and most of the *Protocol on the*

*Role of National Parliaments*, attached to the Amsterdam Treaty (1996), focus on the role of national parliaments. According to the *Protocol*, for example, national governments agree to send to their parliaments all Commission documents and legislative proposals.

The Treaty establishing a European Constitution, in a new Protocol, leaves it up to the Commission, when it sends its proposals to the national governments, whether to send them to the national parliaments, too. Should one third of the parliaments oppose this proposal, however, it will have to be re-examined. The new Treaty \*\*\*\*

As we shall see, the Italian parliament fits into this general trend quite well. However – oddly in a perfectly bicameral system – there is a marked discrepancy between the two chambers, as well as a persistent gap between what is done on paper and what is done in practice.

### *Basic features of the Italian political system*

The 1948 Constitution of the Italian Republic – written and approved in December 1947, after the fascist period – is a long (139 articles), rigid, programmatic text. It is the result of many compromises, all aimed at reuniting the country despite its many cleavages. Italian society was – and still is – a pluralist one, and the Constitution reflects that. Indeed, the Constitution was not the result of a comprehensive and harmonic agreement, but rather of a number of partial agreements among ideologically distant political forces (Di Palma, 1977).

Nevertheless, in most areas and specifically as regards the form of government, the Constitution essentially represented an agreement between the Communist Party (PCI) and the Christian Democrats (DC) to impose their will on all the others. Leaders chose to opt for a parliamentary system rather than a presidential one for this reason. A strong executive was in

fact perceived by many constituent fathers as risky for the newborn democratic system. The Italian check and balance system, as it were, is granted by the primacy of the parliament vis-à-vis the executive; the latter's work can be scrutinized and eventually vetoed at any time by the parliament (De Micheli and Verzichelli, 2004: 77).

In particular, the political parties were to play the central role in the democratic game: in the minds of the founding fathers of the Italian Republic, the system would in fact work because of the strength and the authority injected from outside by the parties. This started during the end of the War. As the Allies began their invasion in July 1943, the German troops occupied the main strategic points of central and northern Italy, including Rome. To escape the Nazi penetration, the Badoglio government and royal family took refuge in Brindisi. In doing so, the government and the king left the nation in complete turmoil. In the absence of any legitimate authority to govern, the political parties made their re-entrance into the political arena. Together, they formed the National Liberation Committee (CLN). The CLN did not benefit institutionally from any governing prerogative, yet it filled the power vacuum: it was the only visible and recognized authority, and it set about confronting the numerous problems the country faced. The parties nominated the political and administrative authorities of the municipalities, so that they could take care of public services. Thus, the CLN got into the habit of nominating its members to take charge of the public administration when nobody else was in a position to do so: the so-called "lottizzazione" began in that period (Amato, 1993). Today, not only are the parties involved in policy-making, but they also play the role of gatekeepers from both a political and a socio-economical point of view (Morlino, 1991). They appoint the ministers, they decide upon undersecretaries, and they choose chairmen and members of the boards of any public company or important public body – including the top executives of public departments, as we shall also see in Chapter 5 (Amato, 1993). The centrality of the parties, together with the choice to adopt a pure proportional electoral law,

ended up opening the doors to what is known as *partitocrazia*: that is, the rule and the supremacy of the parties. It also encouraged a continuous negotiation between the ruling majority and the opposition rather than direct confrontation (De Micheli and Verzichelli, 2004).

The Italian parliament is thus “a highly polycentric institution not easily amenable to majoritarian decisions and to firm leadership by the Cabinet” (Cotta, 1990: 76). The legislature is based on equal bicameralism, the Senate (Upper House) and the Chamber of Deputies (Lower House) performing identical functions and sharing the legislative power (art. 70 Italian Constitution).

It has a committee-centered structure and is, in many ways, a “working parliament”. In particular, vertical committees are empowered, under certain conditions, to adopt laws without a vote in the plenary. Parliamentary procedures also assign a marginal role to the government in parliamentary works. On the other hand, opportunities for individual deputies and minor groups to influence the agenda and/or the legislative process are maximized by a prevailing “consociational” inspiration. All this tends to shape a recognizable organizational and procedural model whereby the parliament acts as a legislator and neglects control and scrutiny functions (Cotta, 1996: 79-91). In the beginning, this was meant to reduce confrontation and involve opposition parties in the democratic system. Over the years, however, it has weakened the parliament’s performance and reduced its effectiveness.

### *The Italian party system between the First and Second Republic*

The Italian party system has been, and to a certain extent still is, a peculiar case among Western democracies. Unfortunately, in many ways, Joseph Di Palma's (1977) and Joe LaPalombara's (1964) classic works on Italy remain valid even today. And when Leonardo Morlino (1998: 250) compares the Italian and the Spanish cases, for instance, he finds that the democratic regime in Spain has succeeded in becoming comparatively more consolidated than in Italy.

In the post-war period, the Italian parties developed along the lines of at least two different models. The Christian Democrats (DC) emerged as a confessional or denominational party, very close to the catch-all party model. The communist PCI, in contrast, became the classic party of mass integration. The Socialists (PSI) attempted to imitate the PCI, albeit with limited success. A similar mass party model was adopted by the neofascist *Movimento Sociale Italiano* (MSI). On the contrary, the Liberals (PLI) and Republicans (PRI) could be regarded as opinion parties and, at the same time, elite parties. Giuseppe Saragats' Social Democrats (PSDI) occupied an intermediate position between the mass party and the party of notables (Morlino, 1998, 181).

The electoral system that was initially chosen for the new republic – and that lasted until the early 1990s – was a proportional system. This helped create a very fragmented, unstable party system, with at least eight national parties represented in parliament at any given time. The Republic had over 50 Cabinets between 1948 and the early 1990s: they were all rather large and unstable, supported for most of the post-war period by four/five-party coalitions (the so-called *pentapartito*). Coalition governments normally included the DC, PLI, PRI, PSDI, and, since the early 1960s, PSI. As long as the possibility of a government including the PCI was perceived as risky, the DC played the role of the ruling party, granting stability to the system (Sartori, 1998, 61-62). Jean Paul Frogner (1991: 77-85; 92-93), for example, showed how

governmental instability was counterbalanced by the existence of a pivotal group of 16 ministers who were present in most governments. Yet, while that allowed the democratic system to survive, it also cost a lot in terms of efficiency (Di Palma, 1977). It led to an incoherent legislative pattern characterized by an overflow of insignificant laws, known in Italian as *leggine* (little laws) (De Micheli and Verzichelli, 2004: 95).

This blocked political situation – which characterized Italy in its first 40 years of history as a republic – first began to be challenged in the early 1990s. According to Gundle and Parker (1996), what happened in Italy between 1992 and 1994 was a true political earthquake.

Following the fall of the Berlin Wall (1989) and the consequent end of the communist regimes in Eastern Europe, the PCI – led by Achille Occhetto – transformed into the new Democratic Party of the Left (PDS). The end of the so-called “communist threat” then allowed for new political scenarios and, eventually, to a redistribution of power.

Meanwhile, in a wave of antipolitical sentiment, two referenda modified the electoral law: in 1991, a vote expressing one single preference in legislative elections was introduced; in 1992, the electoral law itself was revoked.

In the April 1992 general elections, the Christian Democrats’ share of votes fell below 30%, and the steady growth of the PSI came to a halt. The President of the Republic, Oscar Luigi Scalfaro, was nevertheless expected to offer the post of President of the Council of Ministers to the PSI leader Bettino Craxi. Meanwhile, however, “Tangentopoli” had begun. Starting with a local investigation on bribery in Milan, a huge network of corruption came to light. Led by Judge Antonio Di Pietro, the investigations on bribes (known as *Tangentopoli*) would come to represent a major challenge to the political establishment (namely to the DC and PSI). It literally destroyed the old party system, leading to the creation of a new one. In the event, the President of the Republic offered the top governmental post to the law professor

and past Secretary of State Giuliano Amato. The Amato I government marked a major break from its predecessors for the way it was formed and the way it worked. As we shall see in Chapter 5, in fact, it was one of the very few governments in Italian history not to be dependent upon the political parties.

In hopes of reducing the number of parties, a new electoral law (known as Legge Mattarellum) was introduced in 1994. It injected elements of majoritarianism into the Italian electoral system: in the Chamber of Deputies 75% of the MPs were now to be elected on a single-turn majority system, while only the remaining 25% were to be distributed on a proportional basis.

In April 1993, at the height of the Tangentopoli investigations, the majority parties' positions were defeated in eight referendums in what was described as "the end of a regime" (Bardi, 1994: 11). A major window of opportunity for reforming the Italian system opened at that point, though the opportunity was not seized as well it might have been. Therefore, as we shall see, most of the chronic problems of the Italian political and bureaucratic system persist. In any event, in Italy today, the term "First Republic" is used to indicate the period before Tangentopoli, and "Second Republic" to refer to what has followed.

In March 1994, legislative elections were held once again: the left-wing parties (re-named for the occasion *Progressisti*) were defeated by the right-wing "dual alliance" created by Silvio Berlusconi's *Forza Italia*, with the *Lega Nord* (Northern League) in the North and *Alleanza Nazionale* in the South. Welcomed by many as the supposed victory of "anti-partitocrazia" (Bardi, 1994: 1), the coalition rapidly proved its inefficiency and, by the end of 1994, had already collapsed.

Meanwhile, the Italian lira dropped out of the EMS in September 1992 and experienced a spectacular decrease in value. Lamberto Dini, Minister of the Treasury in the Berlusconi I government and a former Director General of *Banca d'Italia*, was named President of the



Council and formed a “non-partisan” government. Ironically, Dini eventually governed thanks to the support of the center-left parties, which had, in the meanwhile, created a new coalition (l’Ulivo, or the Olive Tree) and won the April 1995 administrative elections. At the end of 1995 – once the annual financial bill was passed in parliament – discussions took place over the future of the government, in view of the forthcoming Italian presidency of the EU (January-June 1996).

Though the government did not manage to obtain a positive vote on a comprehensive parliamentary resolution over the incoming EU presidency by the end of 1995, it nevertheless appeared at first that it would stay in power until the end of the semester. Five documents were in fact approved, and presented, respectively, by Pezzoni, Andreatta-Berlinguer-Lega, CCD-CDU, Costa, and Stirk Lievers (*La Stampa*, December 8, 1995). This division was in itself a sign of the changing times in the Italian political scenario.

Yet legislative elections were called again for April 21, 1996 (~~*Il Sole 24 Ore*, February 17, 1996~~), right in the middle of the Italian presidency. They were won by *L’Ulivo* (the Olive Tree) coalition, and thus, on May 17, 1996, just one month before the Florence European Council, the Prodi I government was formed (~~*Il Sole 24 Ore*, May 18, 1996~~). However, while the coalition had enough votes to support its government in the Senate, that was not the case in the Chamber. The government thus became dependent upon the external support of the new communist party, Rifondazione Comunista (RC), a fact that was to harm the government’s European and foreign policies on several occasions.

Since then, two opposing coalitions have alternated in power: Berlusconi’s *Polo delle Libertà* and Prodi’s *Ulivo*. The so-called “Polo” is a center-right coalition formed by conservative post-Christian Democrats, northern separatists (Northern League), post-fascists (Alleanza Nazionale) and Berlusconi’s own party (Forza Italia). The Olive Tree is essentially a center-

left coalition formed by progressive post-Christian Democrats, various post-communist parties, Greens and a number of minor, more or less “personal” parties (Dini’s, Di Pietro’s, etc).

For the first time since 1968, Italy has experienced parliamentary stability: in 2006, the legislature ended its natural five-year cycle. Also, for the first time since 1953, a President of the Council (Berlusconi) has stayed in power for the full five-year term (though his term was divided into two distinct governments – Berlusconi II and Berlusconi III –

Despite these developments, the number of parties in parliament has not decreased: the 1996-2000 legislature featured some forty different political groups in parliament and an eight-party government coalition. In 2006, yet another new electoral law was approved by the parliament (Law 270/2005): this law introduced, among other things, blocked lists of candidates to be presented in each of the 26 electoral constituencies. Hence, today, voters can only choose the party to vote for – not the individual candidate. In turn, the parties choose whether to be formally linked to one of the running coalitions and the other parties comprising it. The parties can also indicate the name of the person they wish to govern in case of victory (though this is not formally binding, because the Constitution says that the President of the Council is chosen by the President of the Republic, see Chapter 5). The new system is a proportional one, with two correctives: a minimum threshold has to be reached (4% for electoral lists that are not linked to any coalition; 2% for those having established a formal link with one of the running coalitions) and a majority reward is offered the winning coalition if it does not gain 340 seats in the Chamber of Deputies (Guzzetta-Marini, 2006: 235-237). Since the Constitution says that senators are to be elected on a regional basis, the majority bonus in the Senate is redistributed on a regional basis (Guzzetta-Marini, 2006: 235-237), thereby accentuating the difference in political composition between the two Chambers. This

discrepancy has essentially served to nullify the expected positive effects of the new law (i.e. governability): the current Prodi II government, for example, enjoys a majority in the Senate only when the “for lifers” (permanent Senators) vote alongside the governing coalition. The cumbersome new law also gives paramount power once again to the political parties since, by deciding where to place candidates on the lists, it is those parties’ leaders who decide who will be elected and who won’t.

The overall result of the law is that a high level of fragmentation still characterizes the Italian parliament. It currently counts sixteen political groups in the Chamber and ten in the Senate. Consequently, as we shall see in Chapter 5, the Prodi II government (2006- ) is composed of a coalition of nine parties whose political differences have often forced Prodi to resort to votes of confidence, even for the adoption of ordinary bills: eight such votes took place just from May 17 to October 27, 2006. Once again, a new solution is being sought, and over 800,000 signatures have already been collected with the aim to amend the current law ([www.referendumelettoriale.org](http://www.referendumelettoriale.org)).

Things changed substantially with the elections held on the 21<sup>st</sup> of April 2008, following an early fall of the Prodi II Government. Credit must be given to the new Democratic Party’s leader Walter Veltroni, for his decision to run his campaign without allying his party with the small leftist parties. This initiative toward disaggregation was to a certain extent mirrored on the right. During the electoral campaign, both Veltroni and Berlusconi repeatedly appealed to the electorate to cast a “useful vote.” The Italian people overwhelmingly responded to the call, thereby simplifying the existing political system. It is an important call for change that must not go unacknowledged. In a country that, historically, is quite fragmented and polarized, the voters’ choice to back away from the smaller parties is a remarkable one. The

first immediate result was the winnowing of the number of parties in the parliament to six – 35 had contested the elections but most failed to pass the 4% popular vote threshold requirement. The parties in parliament include the progressive *Democratic Party* and its ally *Italia dei Valori*; the centrist *Union of Christian Democrats*; the centre-right *Freedom Party* and its allies *Northern League* and *Autonomy Movement*. In 2009, there will be new elections in Italy—as elsewhere in the EU—for the European Parliament. According to political scientist Simon Hix, voters usually treat these elections as mid-term elections – an opportunity to judge the work of their national governments, rather than to vote on European issues. In Italy, such a vote will be critical one. The *desapparecidos* will try to get back into the political scene. If the current window of opportunity is used wisely, Italians will likely vote once again for the bigger parties. The historic transition will thus be concluded.

#### *Attitudes towards European integration*

Italians are known to be among the most convinced supporters of the process of European integration. This is consistent with their vision, their interpretation of history, and their reading of the role the peninsula is to play within the continent.

The Romans perceived themselves as pivotal in securing the peace and civilization of the continent. Their cosmopolitan values and their contribution to the spread of civilization throughout the then-known world (the idea of *pax romana* and *romana civitas*) are highlighted in a positive way in Italian schoolbooks. Ancient Rome is considered one of the most glorious periods in the country's long history. Centuries later, Dante – the most important of all Italian writers and the first to use the Italian language (in his *Divine Comedy*) – underlined, in *De Monarchia* (1310-1313), how the only way to achieve true justice was

through world unity (the “world” as he knew it of course). In such a process of unification, the Roman people were to play the pivotal role: it was their birthright.

During the *Risorgimento* period, the claim for a “united Europe” was considered within the context of freeing Italy from foreign rule. Unity, indeed, was seen as a way to reach that goal. The most influential philosophers and politicians of the *Risorgimento* period supported the idea of a better and more peaceful future for the peninsula within the context of a (united) Europe. Thus, in *Rinnovamento* (1851), Vincenzo Gioberti advocated a social-democratic renewal throughout Europe, in which the Italian national resurgence could take place. Cesare Balbo’s *Le speranze d’Italia* (1844) stressed that an Italian federation (without the Austrians) would have contributed enormously to the stability of all Europe. Other people, like Giuseppe Ferrari, promoted the idea of broader federalism as the result of the free will and action of the people (*La rivoluzione e le riforme in Italia*, 1851). According to Carlo Cattaneo, only the United States of Europe could ever secure peace and prosperity on the continent (*Considerazioni in fine del primo volume dell’”Archivio triennale”*).

Giuseppe Mazzini, a major promoter of a united (and republican) Italy and founder of the movement in favor of Italian independence *La giovine Italia* was a strong supporter of the United States of Europe, too. Mazzini, who, not by chance, was also founder of *La giovine Europa* (Young Europe), conceived of the nation as a means by which to achieve a better life for all people. Hence, Europe was to be shaped by 13 or 14 nation states (where “nation” had a spiritual and historical, rather than territorial or racial, meaning), each of them having a mission of their own, in the view of overall improvements.

To the Italian people today, therefore, a more integrated Europe follows a logical continuum in their history. They still believe it is the best way to secure democracy and peace. Moreover,

as the EEC made its first steps during the so-called "economic miracle" period, the Communities came to be associated with an improved socio-economic lifestyle. "Eurobarometer" polls show how Italians see a significant correlation between their socio-economic and political situation and the process of European integration. Indeed, when budget restraints became necessary to join EMU, Italians paid, without complaining, an ad hoc tax in order to get rid of their lira and its troubles for good. In fact, as the Italian system was entering into a deep crisis, the EC began to be perceived as the only chance to bring order into the national system: thus, the demand for supranational structures also came to represent a demand for a solution to the inefficiencies of the Italian system.

The level of knowledge about the institutions of the European Union, as it emerges from the Eurobarometer (2002) surveys, is higher in Italy than in other EU countries. The EU parliament is by far the best known and most appreciated institution by Italian citizens, followed by the Commission and the Council. The data also highlights a correlation between amount of information and the strength of the positive assessment: the greater the knowledge, the greater the appreciation. Citizens generally learn about community institutions through television (69%), newspapers (44%), magazines (26%), other citizens (23%), the Internet (18%). Nevertheless, as the Eurobarometer (2002) also shows, Italian citizens still perceive their own government to be the most influential institution; the EU's influence is seen as less pronounced (46% of those interviewed think the European Union has "some effect" on their lives). Finally, to an absolute majority of Italians, being a member of the Union is "good" (69%) while only 3% see it as "bad". For 73% of Italians, in comparison with 49% of Europeans on average, the Union has a "very" or "quite" favorable image. Italians are also prouder of being European than the average EU citizen: 81% of those interviewed said they were "very" or "quite" proud of being European; that figure is only 62% in the EU.

*The Italian political parties and the process of European integration, from the origins to the early 1990s*

The decision to link Italy firmly to the process of European integration was, as mentioned in Chapter 2, essentially the decision of a small group of leaders, led by the President of the Council and head of the Christian Democrats, Alcide De Gasperi, and his Foreign Minister, Carlo Sforza. This choice was intrinsically linked to the decision to join the North Atlantic Pact in 1949. The DC – a party which would later become a champion of Europeanism – was, at the time, divided over the issue. Vera Capperucci (2003: 73) talks about three periods in the early DC years: 1948-49, the Atlantic choice; 1950-1954, the Euro-Atlantic strategy; 1954-58, neo-Atlanticism. In the very early years of the republic, the left fringes of the DC leadership, led by Giuseppe Dossetti and Giovanni Gronchi, were in favor of keeping an equidistant relation between the two superpowers: the US and the USSR. They welcomed the prospect of a neutral, or non-aligned Italy. Though Italy's terrible economic conditions made it clear that the country needed American support – namely via the Marshall Plan – they felt it was important to show “dignity” in receiving it. The left-wing of the DC thus opposed the signature of the North Atlantic Pact. As the Communists and the Socialists too were expected to vote against the Pact (Capperucci, 2003), De Gasperi desperately needed all his party's votes in parliament. In this light, he used Italy's inclusion in a European integration process (at the time represented by the Council of Europe) in order to sell Atlantic integration to the DC. In signing the North Atlantic Pact (April 4, 1949), De Gasperi underlined its political rather than military aspects. Also, soon afterwards (May 5, 1949), he signed the founding treaty of the Council of Europe. Last but not least, his government meanwhile negotiated a commercial agreement with Moscow. These linkages and ambiguities were to have an impact

on Italy's foreign policy, however (Varsori, 1998: 74) as we shall see in the following paragraphs.

One year later, in 1950, the decision to join the European Coal and Steel Community was, once again, essentially a De Gasperi-Sforza one. De Gasperi's idea was that Italy could better defend its national interests only within a policy of European solidarity (Telò, 1996: 195-196). In addition, involvement in supranational European institutions would help strengthen the domestic political system and the new-born democracy (Cotta, 1992: 206-207; Ferraris, 1992: 131). European integration was seen as a fundamental opportunity for the peninsula. Joining the ECSC, once again, was a political decision. Indeed, there were several reservations about technical issues. Piero Craveri (2003) talks about an external bond in relation to De Gasperi's vision of European integration: he says that, thanks to Italy's participation in the European Communities, De Gasperi aimed to make up for what he could not achieve on the national institutional level.

Despite some internal divisions in the 1960s and a new anti-European crisis in the 1970s, the European choice – strictly linked with the Atlantic one – came to represent a widespread and founding principle shared by the whole Christian Democratic party. In particular, in the late 1980s and the early 1990s, the party undertook a marked activism at the European level, also thanks to leaders like Giulio Andreotti or Emilio Colombo (as seen in Chapter 3). However, as Niccolò Conti and Luca Verzichelli (2005) point out, the style was more “reactive” than “proactive”; there was a distinct lack of continuity and of strategy in the DC's European policy, especially as foreign policy was considered a minor issue in comparison to domestic politics.



As for the other parties of the governing coalition during De Gasperi's time, the two smaller ones – the Liberals (PLI) and the Republicans (PRI) – were convinced supporters of the process of European integration. In particular, PLI leaders like Luigi Einaudi – first as Governor of the Bank of Italy, then as a minister and finally as President of the Republic – or Gaetano de Martino – as Foreign Minister – were De Gasperi's fundamental allies. Craveri (2003: 571) considers Einaudi and Sforza a sort of alter ego to De Gasperi as, unlike the President of the Council, they shared the classical vision of foreign policy in terms of power politics. The Liberals' Western choice was a convinced one – indeed, one of the pillars of the party's identity. The situation with the Republicans was similar: Ugo La Malfa, the party's historical leader, felt European federalism was an ideal to pursue; each step in that direction (for instance, signing the ECD) was thus to be encouraged (Soddu, 2003).

The two major parties of the left – PCI and PSI – felt differently. Since the very early days of the republic, both the Communists and the Socialists were very negative towards Atlantic and European issues, perceived as a form of “submission” to the US (Ginsburg, 1990: 110-112). For a start, the Socialist leader Pietro Nenni considered foreign policy a dependent variable of domestic politics and felt that, as such, it should be used solely to serve Italian national interests. That meant, in his mind, that Italy should not enter the North Atlantic Treaty – which he perceived as a threat to the USSR and a number of other UN member states – nor any European Community, including the Council of Europe.

This strict loyalty to the USSR isolated the Italian Socialist party from its fellow European ones. Indeed, so strong was Nenni's opposition to European integration that in May 1950 the party explicitly forbid its members to join the European Federalist Movement (!). Yet, with the beginning of a gradual distension in East-West relations in the following years, Nenni began to think that new spaces for maneuvering were available to the PSI and slowly came to

acknowledge the European status quo. The definitive break with USSR foreign policy came with the Suez and the Hungarian crises of 1956. Nenni thus decided to name a party commission to study the question of the two new communities: the EEC and Euratom. Though not without criticizing the government for the way it handled the negotiations, the commission recommended abstaining on the EEC and voting in favor of Euratom (Scirocco in Craveri, 2003). Meanwhile, Nenni had been co-opted into Jean Monnet's *Comité d'Action* (Monnet: 1976). The change in the PSI's approach to foreign policy then allowed the party to join the majority supporting the government in 1958 and to enter the government in 1963. From then on, they would remain pro-European.

The conversion to European values of the Communist Party was slower and less linear. Today, in the national political culture, a myth surrounds the party – as if the PCI had always been pro-European. However, the recent opening of the Moscow archives has allowed for a correct reconstruction of the facts by historians. The files in Moscow confirm the PCI's long dependence on the USSR – both from a policy and a monetary point of view (Guiso, 2003: 207). The Italian communist political discourse was centered on the defense of the Italian national interest – first and foremost, the geopolitical one (Guiso 2003: 219). The PCI demonstrated several times against the Americans and against the European Communities. The party had a fierce aversion to any form of European or Atlantic integration.

Some isolated communist leaders – like Giorgio Amendola or Gian Carlo Pajetta – at times showed a timid interest in some initiatives launched by Christian Democrat leaders – like Amintore Fanfani, or Giovanni Gronchi, with his *Ost-politik* – but that was about it. The events of 1956 and the brutal repression of the Hungarian uprising was a difficult moment for the PCI. Yet, unlike the PSI, the party remained firmly alongside the USSR.

Though the PCI leader, Palmiro Togliatti, was quick to suppress any idea that departed from the party's official one, the first cracks in the party line were nevertheless starting to appear: the communist trade union (CGIL), for instance, felt the EEC would help the Italian economic recovery. Finally, after the 1962 Cuban missile crisis and the subsequent changes to the world scenario, the PCI started to change, too. When, in 1969, the first Communists were appointed to the European parliament, the PCI began to overhaul its foreign policy (Guiso, 2003). By the time of the first direct election of the European parliament (1979), the European Federalist leader, Altiero Spinelli, was elected as an independent in the electoral lists of the PCI, thus completing the party's total reversal, into pro-European values (Spinelli, 1992).

Yet, such alignment on pro-European values of the various Italian parties did not result in a more proactive Italian European foreign policy; rather, a "de-politicization" of Italian foreign policy started to take place. Gradually, the EC became a non-issue in the Italian political arena. According to former Ambassador Sergio Romano, Europe is an icon before which Italian politicians quickly kneel before moving onto other things. Seldom has strong political leadership emerged on European policy. There are some exceptions: that was the case in 1985 and in 1990, as seen in Chapter 3, but it was rather the result of individual action on the part of a few leaders than of a concrete policy underwritten by the Italian parties.

It is the Italian dimension rather than the European one which appeals to national politicians. They – in a pure party-based logic – tend to consider "Euro-jobs" as (well paid) retirement or interim positions, just to tide them over until they can get back into the national political arena. The EC/EU has also been used by Italian politicians to legitimize their own actions (Cotta, 1992: 211). In fact, European constraints are often cited to justify otherwise unpopular fiscal and monetary measures. Some headlines from leading Italian newspapers make this clear: "The Twelve ask for tears and blood" (*La Repubblica*, May 5, 1992); "Privatization? It

is imposed by the EC” (*Corriere della Sera*, August 3, 1992). Several parties have also promoted such a dangerous view with regard to the euro, as we shall see in Chapter 5.

*The Italian political parties and the process of European integration from the early 1990s to today*

Have things changed with the arrival of the so-called II Republic? Has the political turmoil experienced by the Italian party system had an effect on European policy-making?

The Italian political system underwent a great upheaval in the 1990s, and this had a number of consequences both in national debate about Europe and in European decision-making.

At the European level, the most important changes have been a shift in the membership of the European political families and in their internal schemes of alliances – the most visible concerning the European People’s Party (EPP). Within the EPP, two parties had ruled above the others for a long time: the Italian DC and the German CDU-CSU. The two parties held bi-annual consultations (often at the CDU-CSU villa on Lake Como) where they concerted their positions. The Adenauer Foundation in Rome, together with the Italian Christian Democratic Foundation were also used for the ongoing dialogue. A good example of the Italian-German entente is the Genscher-Colombo Plan, submitted to all the member states on November 6, 1981, which led to the Solemn Declaration on European Union of June 17-19, 1983. Important collaboration also took place, as seen in Chapter 3, during the Italian presidencies of 1985 and 1990. Around the Germans and the Italians revolved a number of “satellites”, of which the core consisted of the Benelux Christian Democratic parties. This group of parties was able to impose its pro-federalist views upon the others within the EPP.

A first crisis within the EPP appeared with the inclusion of the Spanish *Partido Popular*, which the Italians fiercely opposed. Then, when the first signs of collapse of the DC started to appear, the other EPP parties felt they could benefit by gaining a greater share of power. When the first split took place within the DC (1993), it was the new Italian Popular Party (PPI) that inherited a seat in the EPP. The party's transformation and, most of all, its center-left orientation was neither understood nor welcomed by an EPP that was becoming progressively more conservative. The new party leader, Mino Martinazzoli, instead of assiduously attending the EPP meetings, in order to lobby other parties, missed most of them: it turned out he was afraid to fly. In a typical parochial yet arrogant Italian manner, the leadership completely underestimated the impact of its changes on the other EPP members and continued to rely on the alliance with the German and the Benelux parties. But things had changed. Then, the DC heir split again (XXXX) and the EPP promoted an agreement between the old leadership and the new: in a famous Nice meeting, the secessionist, Rocco Buttiglione, was "awarded" the old Christian Democrat symbol, while the remaining leadership kept the (newer) name: Partito Popolare (PPI). Complete collapse was just around the corner.

Meanwhile, Silvio Berlusconi, the new leader of the center-right coalition, had become President of the Council-(1994). His nine months in office clearly showed him that isolation at the European level was a potential danger to his possible future governments. Therefore, Berlusconi put a tremendous effort into bringing his own party, Forza Italia, into the EPP. That was done by using both traditional political channels (MEPs like Claudio Azzolina or Antonio Tajani were fundamental in this process), as well as through Berlusconi's own "personal diplomacy". Aznar's former personal assistant Alejandro Agag – at the time EPP's Deputy Secretary General and then Secretary General – was invited to vacation on

Berlusconi's boat and at his villas in Sardinia, for example. Berlusconi also invited Aznar's son and daughter at times. Legend has it that, during one of these romantic holidays on Berlusconi's boat, young Alejandro fell in love with Ana, Aznar's daughter. Berlusconi was hence rewarded with EPP membership (indeed Forza Italia is today a major actor within the EPP), as well as an invitation to the wedding.

PPI put up a fight, but it was far too late. The Italian Popular Party had no negotiating force left to oppose Forza Italia's entrance, and its opposition only contributed to its further relegation into a corner. Meanwhile, Pier Ferdinando Casini's small party (UDC) had become a member of the EPP, too. For some time, Lamberto Dini's and Mario Segni's tiny parties were part of the EPP as well and, in 2001, Clemente Mastella's essentially southern party (UDEUR) was finally accepted, too. The worst thing was that all these Italian parties – in itself a phenomenon difficult to understand abroad – inevitably tended to seize the occasion of EPP meetings to fight over domestic matters.

Today, three Italian parties belong to the EPP: Forza Italia, UDC and UDEUR., plus the regional party *Südtiroler Volkspartei* as an observer. Though Forza Italia enjoys relevant strength within the EPP due to its size, the prestige and power of the former DC are lost forever. Forza Italia itself, with its special relations to the Spanish and other conservative parties, has contributed to a genetic change in the EPP leadership: no longer social, Christian and pro-European, the party has become conservative and far less pro-European. A question mark remains today over the question of whether Alleanza Nazionale – Gianfranco Fini's post-fascist party – will also succeed in entering the EPP.

The story is easier as far as Italian membership in SOC, the socialist family of parties in Europe, is concerned. The new Democratic Party of the Left (PDS), born, as mentioned, in

1990 out of the ashes of the former PCI, quickly applied for membership in the socialist family. The declining Italian Socialist Party (PSI), at first fiercely opposed to the move, came around in November 1992, at the Berlin Congress, when the PSI leader Bettino Craxi was faced with fact that he could no longer delay their entrance. Today, there are two Italian parties within the European Socialists: the Democratic Left, and the Democratic Socialists. As the center-left political scenario is once again changing in Italy, it remains to be seen where the new Democratic Party will sit in the European parliament after the 2009 European Parliament elections.

As for the other parties, once the European Liberal family (ELDR) – previously the third strongest in the European parliament – lost the two small but active PLI and PRI, it began to decline, leading to what is now a much more heterogeneous group.

In the domestic arena, things changed considerably, too. From the 1970s to 1990s, unlike in other European countries, EU issues were not used as a tool of domestic political confrontation. With the creation of two alternative coalitions – center-right and center-left – that changed.

According to Gianni Bonvicini (1996) the first centre-right government, between 1994 and 1995, a greater assertiveness came to characterize Italian foreign policy and affect the balance between Europe and the USA. In his programmatic speech to the Italian parliament, Silvio Berlusconi declared that Italy was to play “a leading role” in the European Union (*Il Sole 24 Ore*, May 17, 1994), and while his Minister for Agriculture, Adriana Poli Bortone, affirmed that Italy was going “to play hard in Brussels” (*Il Sole 24 Ore*, July 16, 94). Most of all, Foreign Minister Antonio Martini, a member of Margaret Thatcher’s Club de Bruges, favored

a position of “qualified integrationism” and was critical of the nascent Economic and Monetary Europe (Brighi, 2008). A number of confrontational episodes took place in this phase: For example, Italy opposed Slovenia’s EU membership bid (*Il Sole 24 Ore*, July 17, 1994 and August 31, 1994) and almost created a diplomatic incident when the German CDU proposed a two-speed Europe, placing Italy in the circle of “late comers” (*Il Sole 24 Ore*, September 3, 1994). This, together with the international political isolation of the Berlusconi I government, relegated Italy to a lesser role in the European arena.

In 1996, national elections were won by the center-left Olive Tree coalition. The Prodi I government made a concerted effort to relocate Italy in the European arena, in particular by focusing on economic reforms needed to successfully fulfill the EMU criteria. Yet Prodi’s handling of the EU presidency (1996) was far less successful than that of previous ones. Also, the Prodi I government suffered from the anti-European stance of its ally, Rifondazione Comunista.

As mentioned above, the Rifondazione votes in the Chamber of Deputies were necessary to Prodi’s survival, but the party, born of a split in the PDS and still believing in communism as a viable solution, had reverted to the original communist opposition to both European integration and NATO. The positions of the Rifondazione Comunista therefore caused trouble with regard to the economic reforms Italy had to undertake in order to follow the path towards EMU. In this sense, the Rifondazione aligned itself with the Northern League – a far-right party – in opposition to EU integration, thus definitively breaking the general consensus on European integration that had characterized the Italian political system since the early 1980s.



Silvio Berlusconi went back in power (2001) with a solid parliamentary majority, allowing him more freedom in foreign policy than ever any government before. In particular, he was definitely more pro-American than any of his predecessors, at the expense of the relations with traditional European and Middle East partners. According to Andreatta (2008: 175), that led to an “unbalanced foreign policy in which bilateral relations with the Bush administration took precedent over multilateral relations with Europe, leading to frequent tensions with EU institutions and partners [...] Most prominent was the support given to the Bush Administration’s global war on terror after 9/11, which implied significant and unprecedented positions.”. Berlusconi also invested much of his “personal diplomacy” to build a preferential relations with Russia President Vladimir Putin and invested heavily on relations with countries like the UK or Israel. According to Elisabetta Brighi (2008: 104): the government seemed to believe that “a more assertive Italian foreign policy passed from Washington thus equating Atlanticism with nationalism [...while...] a significant number of influential ministers [...] have professed a particularly complex brand of euro-scepticism which the Prime Minister has qualified as Eurorealism.”.

The II Prodi (2006-2008) government on the contrary had among its objectives that of relocating European integration at the center of the Italian foreign policy. Yet, as seen in Chapter 2, in doing he followed the tradition and the rather passive strategic approach of the Christian Democrat governments of the past, apparently without understanding that the new times needed the designing of a new strategies – even in the line of the traditional pro-European Italian stance.

In the 2008 electoral campaign, for the first time since the early 1990s, Europe did not constitute a divisive issue any more – indeed, it was hardly mentioned in the parties’

programs and in the debates. Berlusconi's "Freedom People" (an electoral merging of Forza Italia and National Alliance) mentioned the need to respect the obligations deriving from the EU Treaties, while safeguarding Italian interests in the EU, while the Democratic Party (the newborn post-catholic and post communist party) affirmed to believe in a rather vague "more Europe as possible" ("Europa massima possibile") (*UniEuropa*, April 2008).

Once elected, as mentioned in Chapter 2, the IV Berlusconi government showed continuity rather than the contrary with the previous government in foreign policy and namely in European policies and confirmed a positive attitude towards the EU, as the Parliament's unanimous vote on the Treaty of Lisbon confirmed.

In general terms, it is therefore correct to say that from the early 1990s to the late 2000s there have been differences in the perception of European integration (and Transatlantic relations) by the two main political coalitions and these have been at times used in the domestic political debate as a mean of confrontation, in a stop-and-go argument over "European values" and "Italian interests" and over who is best fit to preserve them (Cotta, Isernia, Verzichelli, 2005). The I Berlusconi Government (1994-95) seemed to privilege Transatlantic relations over European integration, while the II and III Berlusconi Governments (2001-2006) would stress and use the good relations with the Bush administration to gain respectability and influence at home and in Europe. Viceversa the two Prodi government (1998-98 and 2006-08) would stress European integration as the founding value of the Italian foreign policy and where suspected of having a worst relation with the US.

Also, European integration have been a source of internal tensions in both coalitions, essentially for the anti-European stance of the *Northern League* on the right and of *Rifondazione Comunista* on the left. On the contrary, the other Euro-skeptic parties, had slowly regained a pro-European front. For instance, in his first speech at newly elected

President of the Chamber of Deputies (29<sup>th</sup> April 2008) Gianfranco Fini, National Alliance's leader, insisted on European values confirming his and his party total "conversion" to pro-European values ([www.camera.it](http://www.camera.it)).

But the 2008 elections brought more to Italy than National Alliance total reconversion to European values. It brought as mentioned a much simplified political framework. Freed from the little extremist parties, where the only possible Euroskeptic party remained in Parliament is in fact the Northern League.

In turn, in his programmatic speech to the Parliament, Silvio Berlusconi (29<sup>th</sup> April 2008) left behind the old rhetoric of Italy's power politics, in favor of a speech of a rather "ecumenical" flavor. Indeed only briefly mentioned the future Italian foreign policy and Europe in particular - "Il ruolo dell'Italia in Europa e nel mondo [...] saranno la bussola della nostra politica come Paese fondatore del progetto europeo, come grande nazione mediterranea, naturalmente chiamata alla cooperazione tra le due sponde del nostro mare e come pilastro dell'amicizia tra Europa e Stati Uniti d'America" ([http://banchedati.camera.it/tiap\\_16/ctrStartPage.asp](http://banchedati.camera.it/tiap_16/ctrStartPage.asp)) - thus leaving his Foreign Minister Franco Frattini the task of specifying what would be the new Italian foreign policy.

In presenting it to the Italian Parliament (2nd July 2008) Frattini confirmed the impressions of those who noticed the fundamental impact of the time spent as European Commissioner in his action and values. But most of all, he gave the impression that, for the first time since the early 1990s, Italy's foreign policy, and namely European policy, would be in the sign of continuity rather than of the contrary. Indeed, Europe occupied the central role in his speech. Despite touching upon the role of Italy in the rest of the world, namely Transatlantic relations, Middle East, relations with Russia, the other international multilateral forums etc, in fact, most of Frattini speech was in fact devoted most of his speech to the future of European integration and the role of Italy in it, defined as the first axe of the Italian foreign policy to be,

the other being Transatlantic relations, without the two being in contradiction with each other (<http://www.esteri.it>). The only policy issue of major difference between the previous Foreign Minister, Massimo D'Alema is the attitude towards Israel, that in Frattini's case is even defined as of friendship. The concrete example of such renewed entente on pro-European values have been the unanimous vote with which the Parliament approved the Lisbon Treaty (31 July 2008).

### *The Italian parliament and the EU until the early 1990s*

The participation of the Italian parliament in domestic decision-making on EU affairs was slow and gradual to emerge.

From the early Community years until the Single European Act, the Italian parliament maintained a "low level of Europeanization" (Rometsch and Wessels, 1996: 354) because of its weak structural adaptation, the minimal time and energy it devoted to the scrutiny of EC law, and its general lack of interest in a greater role. Initially, Community affairs were seen as a component of foreign policy. Therefore, they were considered primarily a matter for the government. The Chamber of Deputies and Senate did not establish standing committees for European affairs, nor did they set up a specific scrutiny procedure. In both Houses, EC legislation and policies were reviewed – sporadically – by the committees for foreign affairs, through the normal parliamentary procedures.

In 1968, the Senate established an ad hoc body for dealing with European Affairs – the *Giunta per gli affari delle Comunità europee*. This decision can be seen as a signal of change in the approach towards EU affairs. However, the *Giunta* was just an ad hoc body, not a standing

committee, and had only fact-finding and consultative functions. Consequently, it had a small impact on parliamentary activities.

Over this period, a significant backlog emerged as regards the implementation of EC directives. More and more frequently, the European Court of Justice condemned Italy for its failure to implement EC law in a correct and/or timely fashion. As EC directives were mainly implemented through legislative acts, the parliament and its cumbersome law-making procedures were often fingered as the main reason for the recurrent implementation deficit. The Single European Act and the expected wave of directives for the completion of the internal market finally provided the catalyst for a radical reorganization of internal decision-making on EU matters.

Between 1987 and 1989 the parliament adopted two laws providing the general framework for domestic decision-making on EU affairs: Law 183/1987, otherwise known as the Fabbri Law, and Law 86/1989, also known as the La Pergola Law. Taken together, the two laws introduced a number of innovations: they re-defined the government's structures for the coordination of the national position on EU policies, they made it the government's duty to transmit EC draft legislation to parliament, and they formalized the parliament's right to adopt resolutions on EU matters. Finally, the La Pergola Law also set up a mechanism for the systematic and timely implementation of EU legislation, the so-called "Annual Community Law" (see Chapter 5).

As a result, both the Senate (1988) and the Chamber of Deputies (1990) adapted their internal rules of procedure in order to take advantage of the opportunities offered by the new legal framework. First, special procedures were established to deal with EC policies. Secondly, standing committees were empowered to express their position on EC proposals, in a

resolution addressed to the government. The Italian parliament came to see participation in decision-making on EU affairs not as a way to assert control over Brussels, but as a “temporary extension” of its traditional law-making and scrutiny function at a national level, justified by the so-called democratic deficit at the European level.

In organizational terms, the development of specific structures and procedures to deal with EC matters was a smooth process. As the tasks and competencies entrusted to specialized committees were new, they did not threaten the position of the powerful standing committees. In practice, the reforms had a limited impact and parliament’s influence on EU affairs remained marginal. The parliament’s information on EC business was generally insufficient and irregular. The government often failed to fulfill its duty to transmit the Commission’s proposals and presented its written reports with significant delays. Even the most significant innovation brought about by Law 86/1989 – the power to examine proposals for EC legislation – remained under-used. Parliamentary committees examined and debated only a few EC proposals and the number of resolutions on EC affairs it adopted was even smaller (Bindi and Grassi, 2001).

On the other hand, the parliament actively developed formal and informal relationships with other national legislatures, as well as with the European parliament. The Assises in July 1990, and the first formal meeting of the COSAC were housed by the Italian parliament in Rome. And while contacts between national MPs and Italian MEPs were “unsystematic, disorganized and irregular”, the standing committees did make frequent contact with their counterparts in the European parliament, at both bilateral and multilateral levels.

*Reforms since the mid-1990s*

Unlike in other countries, such as France or Portugal or Germany, in Italy the Maastricht Treaty did not raise a debate on parliamentary sovereignty. Nor did it prompt a revision of the domestic framework for EU decision-making. However, the Amsterdam Treaty, and subsequently the Constitutional Treaty, did trigger a new wave of reforms, a sign of significant progress in the Europeanization of the Italian parliament. In a context dominated by the national effort to ensure entry into the euro area, the rationale behind the reforms was to promote a greater and more proactive national participation in EU decision-making, and to adapt the domestic institutional framework to the need to compete/cooperate effectively with partner member states within a more integrated Union.

Although the reforms were driven by a general common inspiration, they were fragmented over a series of amendments to Law 187/1983 and Law 86/1989. With regards to the parliament, these reforms – embodied in the ratification of the Amsterdam Treaty (Law 209/1998) and the ratification of Community acts for 1995-1997 (Law 128/1998), 1998 (Law 25/1999), 1999 (Law 526/1999), 2000 (Law 422/2000) and 2001 (Law 39/2002) – expanded the scope of parliamentary scrutiny, obliging the government to forward all draft EU legislation, including second and third pillar acts. They also served to simplify and rationalize the presentation of government reports on EU affairs (Law 25/1999) and they introduced a “soft version” of parliamentary scrutiny reserve (Law 422/2000).

As had already been the case for the first wave of reforms after the SEA, the changes in the general institutional framework for relations between Italy and the EU were followed by a revision of the domestic parliamentary rules of procedure. The Chamber of Deputies significantly revised its internal rules of procedure in 1997 and in 1999; the Senate in

February 2000 and 2003. These changes addressed a number of issues left unresolved by the post-SEA reforms as well as by some newly emerging issues. More importantly, they signaled a qualitative change in the Italian parliament's approach to EU matters. In fact, they drew on ideas and suggestions emerging from the international debate on better regulation, and they often referred to best practices on the scrutiny of EU affairs as developed by other EU members' parliaments. The circulation and exchange of best practices within inter-parliamentary fora, such as the COSAC or the Conference of Speakers of European Parliaments, played a significant role in shaping the reformers' ideas in this phase.

Meanwhile, as we shall see below, the Chamber of Deputies had finally set up an ad hoc Committee for European Affairs (1990) which, a few years later, was awarded important powers.

A number of converging factors have recently led to another wide-ranging revision of the legal framework for Italian participation in EU decision-making, with direct implications for the role of the parliament. First, at the European level, the Nice Treaty (and the Constitutional Treaty) brought about important institutional changes. Secondly, the Italian constitutional reform adopted in 2001 substantially modified the competencies and powers of the Regions, awarding them a greater role in EU decision-making and in the implementation of EU law, as we shall see in Chapter XXX (Constitutional Amendment Act no. 3 of October 18, 2001 and Law 131/2003). Thirdly, the accumulation of amendments to Law 183/1987 and 86/1989 fragmented the legal framework into a plurality of sources, thus raising some issues of clarity and consistency. In response to these factors, the parliament adopted Law 11/2005 in early 2005, which consolidates, clarifies and better defines the legal framework for Italian participation in EU decision-making. This law replaced the Law 187/83 and 86/1989 and all their subsequent amendments. The 2005 law provides for a comprehensive definition of the



domestic decision-making process on EU affairs, on the basis of the principles of “subsidiarity, proportionality, efficiency, transparency and democratic participation.” While the major changes concern the role of the Regions, the law also introduces some important innovations with regards to parliamentary participation. These might yet provide the basis for a more effective and influential role of the Italian parliament in European affairs.

### *The Standing Committees on EU policies: the first phase*

As mentioned above, the Senate created the *Giunta per gli affari delle Comunità europee* in 1968, entrusting it with fact-finding and consultative functions. However, the *Giunta* was to have a minimal impact on parliamentary activities. The Chamber of Deputies only set up its *Commissione speciale per le politiche comunitarie* in 1990. Structure, membership and modus operandi of the two organs were similar: they were both ad hoc committees, equal to the standing committees in size, structure and functions, but precluded from having full legislative power. The *Giunta* was made up of 24 members and the *Commissione speciale* of 48, all of whom also simultaneously served as full members of a standing committee.

The two committees were relatively “open” structures. The *Commissione speciale*, with the consent of the President of the Chamber, was able to invite Italian members of the European parliament to attend its meetings, with the right to speak but not to vote (r. C. Art. 127 ter c. 1). The Chamber of Deputies’ rules of procedures provided, in addition, for a periodical meeting of the *Commissione speciale* with a special delegation from the European parliament composed of members of the Bureau of the EP presidency, heads of EP political groups and the President of EP committees at the opening and closing of the rotating EC presidency. This provision was deleted, however, in the reform adopted in July 1999. The Senate rules of

procedure had a slightly more restrictive standing: the attendance of Euro-deputies was limited to a single representative for each political group present in the European parliament, chosen by common agreement by the President of the *Giunta* and its European counterparts (r. S. art. 142).

The *Commissione* and the *Giunta* usually met two days a week. The fact that all the members were also members of a standing committee however ended up negatively affecting attendance at the meetings and, thus, the continuity of their work. Meetings, in fact, had to compete for space and time with the different standing committees.

The two specialized committees had horizontal functions, but they were vested with a greater role in the area of EC norm implementation than in the scrutiny of government positions within European negotiations. The powerful standing committees had the primary responsibility for reviewing proposals for EC legislation in their relative subject areas. The specialized committees were entitled to receive all Community documents and could adopt resolutions or reports on the institutional aspects of EC activities. They did not have a general function of sifting all European proposals and reporting to the standing committees, but they could adopt an opinion on a proposal under examination by a standing committee. In implementing EC law, the specialized committees played a full coordination role. All draft legislation for the implementation of Community directives and regulations, as well as any proposals for new legislation which fell within the remit of Community competencies, were to be referred to the *Giunta* and the *Commissione speciale* with a view to receiving an opinion on their consistency with existing Community law (r. C. art. 126, c. 2. r. S. art. 23, cc. 2 and 4.).

While the specialized and the standing committees shared the power to monitor government conduct within European negotiations, only the specialized committees were empowered to

review the twice-yearly government report on Community policy before it was debated in the plenary. In addition, the specialized committees were responsible for reviewing Community legislation after its adoption and, in the Chamber, the rulings of the European Court of Justice. Finally, they could question ministers over EC legislation draft proposals, as well as on general EC policy issues. These committees were also allowed to hear high-ranking public officials, with the assent of the competent minister. Members of the Chamber of Deputies could also employ traditional control and information procedures to raise a debate on Community issues. Usually, the two committees had a consensual working style, kept conflict low-key, maintained a non-partisan attitude, and entertained dialogue with the executive in an informal and cooperative atmosphere.

The scope of parliamentary scrutiny included the full range of Community legislative activities. On the basis of Law 183/1987, the government was to transmit all proposals of regulations, directives and decisions within thirty days of their reception, as well as the legal acts adopted by Community institutions, together with a short assessment of their impact on the domestic legal order. Furthermore, Law 86/1989 provided for enhanced parliamentary access to written information on Community developments. Every six months, the government was to present to both Houses a report on Italy's participation in Community policy and, every year, a general report focusing on the progress made by the European Community towards the achievement of the Internal Market, with special attention paid to the effects of regional policies and to the national management of structural funds. The latter report was also to cover the activities performed by the WEU and the Council of Europe (Articles 7 and 8, Law 86/1989).

The *Giunta*, the *Commissione speciale* and the standing committees (in their relative subject

areas), could review draft EC legislation once the proposals were published in the Official Journal, the Minister being present, and adopt a resolution. In most cases, the review of EU proposals was a one-meeting business. Should the political relevance of the issue require it, the debate was held over one or more supplementary meetings, allowing members to ask for oral or written evidence before deliberating. The scrutiny could end with the adoption of a resolution – carrying only a politically binding value – or without a formal decision. Whereas the Senate rules of procedure (art. 143 c. 6) expressly stated that the *Giunta* and the standing committees could vote a resolution at the end of the scrutiny process (describing in detail the structure of the resolution), the Chamber of Deputies's rules (art. 127) made no reference to a formal parliamentary act, simply indicating that the competent committees "may express in a final report their opinion on the opportunity of future initiatives." When the committees debated resolutions on EU affairs, the government was to be present and could propose amendments, ask for the postponement of the vote, or request to defer it to the plenary. The scrutiny procedure was a decentralized procedure in line with the parliament's overall characteristic as a "working parliament". The plenary was not permitted to debate and/or vote on a resolution if it was scheduled to be discussed in a committee.

Nevertheless, the practice in the nineties was a mixed one. The parliament's information on EC business was insufficient and irregular. The government failed to fulfill its duty to transmit Commission proposals, and often forwarded the written reports with significant delays – usually in a generic and superficial manner – so that any detailed parliamentary debate was rendered meaningless. Not surprisingly, the parliament participation in EC policy-making was marginal. The largest part of the work was carried out by the specialized committees, while standing committees and the assembly were to a great extent isolated from the European arena. Only a handful of deputies were active and knowledgeable in European affairs (Bindi and Grassi, 2001).

The case of the EC directive on the legal protection of biotechnological inventions may provide a useful example in analyzing the many contradictions inherent in the role played by parliament in those years. The Italian parliament began considering the issue many months before the proposal reached the Council for a final decision. In 1997, the standing committee on agriculture undertook an inquiry that lasted until October, and ended up asking for the rejection of the proposal. Meanwhile, in August 1997, the European Commission had submitted to the European Council and Parliament a modified proposal. On November 26, 1997, the Committee for Agriculture in the Chamber of Deputies passed a resolution calling upon the government to delay in adopting the directive; on November 27, the Council reached a political agreement on a common position. On February 16, 1998, the Committee for Social Affairs in the Chamber of Deputies began debating a draft resolution inviting the government to oppose the directive; furthermore, they requested a moratorium on the production and use of genetically modified organisms in Europe. While the draft resolution was waiting to be voted on, the Council adopted the common position; the Italian government abstained. A couple of weeks later, the Committee for Social Affairs formally adopted the resolution to oppose the directive. On the same day, the Senate passed a motion requesting the suspension of the directive and promoting the elaboration of a new directive with more stringent requirements for the patentability of biotechnological inventions. Nevertheless, the Council approved the directive on July 6, 1998; again, Italy abstained. Later on, the Italian government decided to intervene in the action for annulment brought before the European Court of Justice by the Dutch government. Pending the Court's judgment, the Italians, given their diverging views on the matter, excluded the directive from the Annual Community Bill and introduced to parliament a specific piece of legislation to implement the directive. The bill met with the resistance of a large coalition of parliamentary forces, which sought to force

the government to ask that the directive be rewritten or that concessions be made in the implementing legislation. Parliamentary obstruction is now likely to prevent the timely implementation of the directive, thus leading to tension with the European Commission.

This case illustrates not only how little input the parliament generally had in Italy's EU decision-making, but also how woefully uncoordinated its attempts at intervention were. Such a pattern has led observers to describe a protracted low Europeanization of the Italian parliament. Some authors have even described the slow adaptation to EU dynamics as a deliberate effort to protect the specific organizational and functional characteristics of the Italian parliament from the pressures for change coming from the European arena (Giuliani, 1996). By the mid-1990s this lack of Europeanization was widely perceived as unsatisfactory and dysfunctional. Changes at the European level and internal developments then provided the catalyst for a second and comprehensive process of reform, which took place after the negotiation of the Amsterdam Treaty (Bindi and Grassi, 2001).

#### *The standing committees on EU policy: changes since the late 1990s*

In the years 1998-99 a number of significant reforms took place. The first step was taken on August 1, 1996, when the ad hoc committee in the Chamber of Deputies was transformed into a standing committee, named "XIV Commission – EU Policies". The objective of this change was to raise the political profile and authority of the committee, to facilitate the meetings and to make the standing committee an engine for all activities in parliament linked to EU affairs.

In 1997 and 1999, the procedures concerning European Affairs were also significantly revised in the Chamber of Deputies itself. All of the reforms had two general goals (which went hand in hand with the reform of the government's structure for EU policy management that will be described in Chapter 5): first, to update the instruments for dealing with European affairs, so as to promote a proactive and anticipatory style of policy-making and to establish a stricter link between the negotiating and implementing phases in EC policy-making; secondly, to modify the parliament's philosophy when dealing with European affairs, by introducing the issues of quality and of coherence in legislation, along the lines of the OECD guidelines.

On the whole, four main directions were set in reorganizing the role of the parliament in European affairs: (a) to revise the institutional setting, at least in the Chamber; (b) to reinforce access to EU information; (c) to update the rules allowing for the scrutiny of EC legislation proposals and for political control over government action within European institutions; (d) to introduce a policy that would enhance the quality of legislation implementation.

The Senate was slower in following suit: the Senate's internal rules were only changed in February 2000, and only in 2003 was the old Committee on European Affairs finally replaced by the Standing Committee on EU policies, also called the "XIV Committee".

The Senate and the Chamber Committees have a similar structure, with regards to terms of reference and powers, though some variations exist as far as size and membership is concerned. The Chamber of Deputies' XIV Committee has 43 members, who, in accordance with the general rule, cannot be full members of any other standing committee at the same time. The Senate's XIV Committee has 27 members; they, on the contrary, can also sit on other committees (Senate, Rules of Procedures, art. 21). The latter approach is to ensure that members of the EU affairs committee combine knowledge of EU affairs with an expertise in

subject matters dealt with in the sector-specific committees. This practice also ensures a bridge between the work done in the "horizontal" EU committee and in the "vertical" sector-specific committees. In fact, the Senate Rules of Procedure state that, when standing committees are reviewing a legislative proposal, the senators who are also members of the XIV Committee have to report on its compatibility with EU law in light of the opinion adopted by the Committee. The downside is that double membership can negatively affect attendance at meetings and increase membership turn-over.

The members of the two committees are appointed at the beginning of each parliamentary term by the Speakers of the two Houses, reflecting the indications given by parliamentary groups and their balance in the plenary. Committees are renewed every two and half years, but members can be reappointed. The committees elect a chairman, usually drawn from the parliamentary majority, two vice-chairmen and two secretaries, collectively known as the Bureau. The chairman represents the committee in its relations with other committees and outside the parliament; he or she convenes the meetings, presides over the orderly conduct of business and has an influential role in shaping the agenda. The Bureau sets up the calendar of meetings. The committees usually meet two or three days a week. Committee meetings are closed to the public. However, the minutes of the debates and the relevant documentation under consideration are published shortly after each meeting. In addition, the chairman may authorize broadcasting of a session for the press and/or visitors through the internal television channel.

The committees can rely on an effective back-up from parliamentary services. Special departments in the Senate and Chamber of Deputies provide for the secretariat of the meetings but also monitor EU legislative developments, draft legal opinions and prepare background



documentation. Both Houses have also opened an antenna in Brussels, located within the building of the European parliament.

The two committees are still “open” structures. With the consent of the President of the Chamber of Deputies, the two committees may invite members of the European parliament or of the European Commission to provide evidence on the activities and policies of EU institutions (Chamber of Deputies, Rules of Procedure, art. 127-ter; Senate, Rules of Procedure, art. 144-quater). Both committees can hold hearings of public officials from the national administration, with the assent of the competent minister, and of representatives from economic and social groups or NGOs. They can also acquire all documents necessary for the conduct of their fact-finding or scrutiny activities.

With regards to their powers and responsibilities, both committees have a narrowly defined “own competence”. The primary responsibility over the constitutional or horizontal aspects of EU activity and on the implementation of EU Treaties is assigned to each of them in the terms of reference (Chamber, RoP, arts. 22 and 126; Senate, RoP, art. 23). When it comes to the scrutiny of Commission proposals or of draft domestic legislation aimed at implementing EU secondary legislation, the primary competence lies normally within the powerful standing committees. The committees on EU policies are entitled to receive all relevant documents; they can call in ministers to discuss a Commission proposal and they can adopt an opinion addressed to the competent standing committee, but they do not have a general function of sifting European proposals and reporting to the standing committees. However, if the standing committee does not take a position on the proposals assigned to its review, the EU Committee can request that its opinion be transmitted to the government. A stronger role is foreseen in the review and discussion of the government’s report on EU affairs, where the EU

Committees can present a report to the plenary, after consulting the sector-specific committees. When they deal with institutional issues or the politics of the EU, the committees are also responsible for reviewing resolutions adopted by the European parliament. Deputies may also avail themselves of normal control and information procedures to initiate a debate on EC/EU issues.

On matters related to the implementation of Community rules and to the compliance of domestic rules with EU law, the powers of the committees on EU policy are more intense. Both committees have the lead role in their respective House's examination of the Annual Community Act. This marks a sharp difference with the past: in the Senate, until the 2003 reform, this role was a prerogative of the powerful Committee for Constitutional Affairs. In addition, today's committees must be consulted on all government proposals for the implementation of EU secondary legislation as well as on proposals that may raise issues of conformity with EU legislation. They can make observations or adopt an opinion on these texts, which are then addressed to the relevant standing committee for that subject matter. The Rules of Procedure in the Chamber of Deputies and the Senate provide that, when the XIV Committee issues a negative opinion on draft proposals, the proposal cannot be adopted by the standing committee (in a so-called decentralized procedure of adoption), but has to be discussed and voted in the plenary. In connection with the recent constitutional reform, which assigned a greater role in EU affairs to the Regions, art. 23 of the Senate Rules of Procedure demands that the EU Committee examine the compatibility and coordination of any proposed measures with regard to regional competencies, as set out in art. 117 of the Constitution. The committee must also examine the proposed measure's compatibility and coordination with regard to the respect of the subsidiarity principle, as set out in art. 120 of the Constitution. The Committee on EU policies thus assumes the crucial role of ensuring the smooth coordination

of various layers of legislation and competencies – European, national and regional (Chamber RoP, art. 126; Senate, RoP, art. 23.3). Finally, the XIV Committees have the right to appoint a rapporteur when standing committees review the “most important” rulings of the European Court of Justice. This scrutiny can eventually lead to the adoption of a resolution to the government (Chamber, RoP, art. 127-bis; Senate, RoP, art. 144-ter.).

The XIV Committees are also responsible for interparliamentary relations and, in particular, for cooperation with the European parliament and the COSAC.

Like their predecessors (the *Giunta* and *Commissione speciale*), the two committees are generally still characterized by a consensual working style, keep conflict low-key, maintain a non-partisan attitude, and entertain dialogue with the executive in an informal and cooperative atmosphere.

*Control over the government’s participation in EU decision-making: fact-finding and policy-setting activities*

The Italian parliament has gradually developed a wide range of instruments to acquire information on EU policy developments and to discuss the government’s general orientations on EU affairs, as a prerequisite for exercising its role in the scrutiny of EU draft legislation and in the subsequent implementation of EU law.

Under art. 3 of Law 11/2005, before each European Council, the Italian government has to provide both Houses with the agenda of the meeting and inform them of the position it intends

to adopt. Also, upon request from the competent standing committees, the relevant minister has to brief the committee on the forthcoming meetings of the Council of the Union. The government then has the obligation to report on the results of the meetings of the European Council of the Council of the Union within 15 days after the meeting. In addition, in twice-yearly reports, the President of the Council of Ministers or the Minister for European Policy must keep the Houses abreast of the main issues and the most politically sensitive initiatives planned or under discussion at the EU level (Law 11/2005, art 3.5 and 3.6).

The second major source of information on EU affairs for the parliament is the government's Annual Report on the EU. Since 1999 (Law 25/1999), this report has replaced a number of written reports that the government was previously required to submit, at different times during the year. It is meant to provide a comprehensive overview of the state of play of EU affairs, covering both a review of what happened in the previous year and of the government's priorities for the next twelve months. According to art. 15 of Law 11/2005, the report should cover the following: (a) the state of play of EU policies, including security and defense policy and justice, liberty and security; (b) the main guidelines of the government's position on negotiations in future EU legislation; (c) the implementation of cohesion and regional policy in Italy, with particular reference to the use of funds allocated to Italy, referring, when appropriate, to the reports adopted by the European Court of Auditors; (d) the follow up given to the resolutions and observations adopted by the Houses and by regional authorities; (e) the list of cases in which the government has decided to challenge, before the European Court of Justice, a decision adopted by the Council or by the European Commission.

The report should be presented to both Houses every year before January 31, together with the government's draft proposal for the Annual Community Act. The correlation between the

presentation of the annual report and the tabling of the Annual Community Act is designed to provide more focus and prominence to the parliamentary debate on EU affairs, with the establishment of a so-called "Session on Community Affairs". The idea is to concentrate the discussion on a whole range of aspects regarding national participation in EU decision-making, combining the forward-looking discussion over trends in EU policy-making with the approval of domestic implementing legislation. The model chosen was the Budget Session in which, in the second semester of each year, the parliament examines the budget and sets guidelines for future economic legislation.

The Senate and the Chamber of Deputies have put in place similar procedures for the joint discussion on the Annual Report and on the draft Community Act that require the participation of both the Committees on EU affairs and sector-specific standing committees. In short, the Committees for European policies examine the Annual Report and present an opinion to the plenary, taking into account the comments received from the other standing committees. Their opinion, together with the Annual Community Act, is then considered by the plenary. MPs may table resolutions on the Annual Report. These are voted upon after the final vote on the Annual Community Act (Chamber of Deputies, RoP, art. 126-ter; Senate, RoP, arts. 144-bis c.6 and 7).

Since the year 2000, the Houses also discuss the European Commission's Annual Legislative and Work Program (CWLP) as well as the Council's Annual Program. The aim here is to enhance the Italian parliament's ability to identify future issues in the EU system. The procedure, introduced on a trial basis in March 2000, follows the one proscribed for the Annual Report, involving the standing committees, the Committees for EU policies and the plenary, thus ending with a vote on a resolution. The Committees for EU policies review the

Program and adopt a report, which is then discussed and adopted by the plenary. While in previous years the debate on the CLWP had not had a significant impact (it took place too late in the year, due to late transmission by the government and scheduling problems within the Houses), in 2006 both Houses succeeded in examining the Programs in the first months of the year. The Senate adopted its resolution on the CLWP and the Annual Program of the Austrian and Finnish Presidencies on January 26, 2006. The Resolution on the 2005 CLWP had been adopted on November 9, 2005. This allowed the parliament to take part in the pilot project "Raising European awareness" launched by the Conference of Speakers of the EU Parliaments, aimed at encouraging national parliaments to hold coinciding debates on the CLWP.

Existing rules prevent representatives of private interests or organizations from appearing before the committees on EU matters. Thus, the committees have turned to a wider use of inquiries as a vehicle for access to outside sources of expertise. In this way, they exchange views with business and trade unions, NGOs and other organized interests. Usually, inquiries are launched without reference to a single proposal for EU legislation. Rather, they deal with broad issues, which remain on the EU agenda for a longer period of time or aim at evaluating the implementation of existing regulations in order to suggest amendments or new initiatives. During the XIV legislature (2001-2006), in the Chamber of Deputies, major inquiries were held on the EU decision-making process, on EU initiatives for strengthening competitiveness and on 2007-2013 financial perspectives (jointly with the V Committee on Budget, Finances and Programming). During the same period, the Senate carried out two inquiries on the objectives of the Lisbon Strategy and on the proposal for a directive on services in the internal market (jointly with the Committee on Industry, Trade and Tourism). Furthermore, a joint Senate/Chamber inquiry was conducted on the Future of the EU.

### *Scrutiny of EU draft legislation*

Since the end of the 1980s, the Italian parliament has gradually developed a “document-based” system of EU draft legislation scrutiny. However, in practice, the parliament’s influence on the government has remained limited until now. During the XIII Legislature (1996-2001) the Chamber reviewed eleven proposals of EU legislation, amongst which ten were scrutinized by the Committee for EU policies. This confirms the crucial role played by the XIV Committee and the inertia of vertical committees, overwhelmed by the pressure of domestic business (Osservatorio sulla legislazione, 1999).

Whereas some reasons for this limited input can be found in structural factors (predominant focus on legislation rather than on control functions, low importance attached to European affairs compared to domestic issues, general pro-European feelings), parliamentary control over EU affairs has also suffered from more practical and concrete weaknesses. Four major problems have emerged in recent practice: incomplete and late transmission of draft legislation by the government; lack of access to technical information clarifying the background and impact of EU legislation; bad timing of parliamentary scrutiny; absence of feed-back on the follow-up given to parliamentary resolutions. The recently adopted Law 11/2005 addresses these unresolved issues and could lay the ground for a more effective use of scrutiny powers.

According to art. 3 of Law 11/2005, the President of the Council of Ministers or the Minister for European Policies is to transmit to the parliament (but also to the Regions) all proposals of

EU and EC legislation and their subsequent modifications, together with an indication of their likely date of discussion or adoption. This obligation extends to the transmission of Commission Green and White Papers, official communications and other consultative documents as well, thus adding further elements to the government's existing duty to transmit all draft EC legislation as well as proposals for acts to be adopted under the second and third pillar (Law 128/1998; Law 209/1998 and Law 422/2000). In addition, the Department for European Policies of the Presidency of the Council of Ministers (see Chapter 5) is charged with keeping the Houses regularly informed of the state of play as regards proposals forwarded to them and with informing the Houses – without delay – when these proposals are put on the agenda of a meeting of the Council of the Union.

The Houses' standing committees can then examine those acts and adopt resolutions or forward their opinions to the government. The precise mechanisms for the parliamentary scrutiny are further spelled out in the two Houses' Rules of Procedure (Chamber of Deputies, RoP, art. 125 -127-ter; Senate, RoP, art. 142-144-quater).

In order to perform their scrutiny, the standing committees can request additional written information from government departments on the state of play of Council negotiations on the proposal. Furthermore, they can request information on the views and opinions expressed by stakeholders, on compliance costs for the administration, and on the estimated impact on the domestic legal system, on businesses and on citizens. Indeed, article 13 of Law 128/1998 requests that the government accompany the transmission of EU Acts that have already been adopted with a short assessment of the internal regulations that will need to be amended in order to implement those Acts. However, such information is functional to future implementation rather than to the scrutiny of EU proposals in the earliest stages of discussion.



This provision is meant to facilitate a more substantial scrutiny of EU proposals. As the government generally has on hand a wealth of material and information to which the parliament does not have access, it makes more sense for the parliament to request that information from the government than to try to replicate it autonomously. Once the parliament has pored over all the relative evidence, it can decide whether the government position is justified or not.

### *Parliamentary scrutiny reserve*

One of the most important innovations brought about by Law 11/2005 is the introduction of the “parliamentary scrutiny reserve”. Previously, the Italian parliament had often voiced its dissatisfaction at not being able to keep up with the pace and timing of discussions on proposals within the Council of the Union. In some cases, the parliament had voted a resolution on a proposed EU measure only to discover that the proposal had been adopted by the Council a few days earlier. The introduction of a scrutiny reserve similar to that existing in the UK system had come to be seen as the best remedy to such situations.

The government was reluctant initially, but it finally accepted a “soft version” of the principle, as set out in art. 6 of Law 422/2000. When forwarding EU draft legislation to parliament, the government had to indicate its expected date of adoption explicitly. If the Houses had not expressed their opinion within that deadline or, in case of postponement, before the meeting of the Council during which the proposal was to be adopted, the government could give its vote on the proposal.

If this provision aimed at ensuring at least some synchrony between the EU legislative process and the agenda of parliamentary committees, the new provisions introduced with Law 11/2005 marked a further step forward. In essence, once the parliament starts considering a draft EU legislative act, the government has to wait for it to conclude its scrutiny before exercising its own powers within the Council. The only exception is if parliament has not issued an opinion within 20 days. This time limit runs from the day the government informs the Houses that it has put a parliamentary scrutiny reserve in the Council. The scrutiny reserve may be requested by the parliament, but can also be issued by the government on its own initiative. For legislative proposals or other measures of particular political, economic or social importance, the government may decide to put a parliamentary scrutiny reserve on the text under discussion within the Council or on some parts of it and inform the parliament of this decision, implicitly inviting it to give its views on the subject matter. If, after the usual 20 days, parliament has not issued an opinion, the government can proceed to exercise its powers.

This "dual nature" of the parliamentary scrutiny reserve shows how the government's approach towards parliamentary control in EU affairs is changing. It shows, in fact, a greater understanding of the parliament's needs for time and information as a prerequisite to effective scrutiny, as well as a more positive view of parliament's role in domestic decision-making on EU affairs. The parliament is no longer seen as an antagonist but as an ally, and its control is not an unwelcome interference but a tool to reinforce the quality and effectiveness of the Italian position within Council negotiations. Legend has it that Rocco Buttiglione (when Minister for EU Policies in the Berlusconi II government and thus in charge of the Single Market Council, as we shall see in Chapter 5) noticed, at a certain point, that the wise use of certain forms of parliamentary scrutiny reserve could be very useful for the negotiating

delegations and thus started to... invent it! Europe being a small place, after all, the truth would out, hence the need to formally introduce it into parliamentary practice.

The new system of scrutiny reserve has not yet been applied. It is clear that the successful use of this instrument will depend first of all on the level of "European sensibility" of the MPs or on the government's willingness to use this negotiating tool by including the parliament in negotiations. Secondly it will depend on the parliament's ability to complete the scrutiny quickly. To this end, the Senate and the Chamber of Deputies' Rules of Procedure (Senate, RoP, art. 29, Chamber of Deputies, RoP, art. 25.4) state that the likely calendar of adoption at EU level of relevant legislative proposals should be taken into account by standing committees when preparing their own agendas, but this provision has yet to be implemented much in practice. Moreover, the twenty day time limit is quite short; though it may allow enough time to hold one meeting on the subject, and perhaps even to call in the relevant minister to answer some questions, it may not allow enough time for a more substantial scrutiny.

Finally, two instruments have been introduced to ensure that the government is held accountable for the follow-up given to the parliament's resolutions. First, the President of the Council or the Minister for EU Policies is to inform the parliament of the outcome of Council negotiations within fifteen days from the date of the Council meeting. This statutory provision reinforces what is already possible under the parliament's rules of procedure, by which standing committees may always call in ministers to provide information on the outcome of negotiations or on the follow-up given to parliamentary resolutions. Parliamentary practice, however, does not reveal a frequent use of such post-Council sessions. Secondly, in the

Annual Report on EU policies, the government has to report on the follow-up given to parliamentary resolutions and to observations made by regional authorities.

Overall, available data highlights a constant increase in the parliament's attention to European affairs. Yet, it is interesting to note, a significant part of this increased attention is channeled through procedures other than formal scrutiny – most of all through oral hearings. In fact, deputies as well as ministers find oral evidence procedures speedier than formal scrutiny and more suitable to an informal and cooperative exchange of views. In many cases, therefore, hearings on EU proposals have replaced legislative scrutiny. During the XIII legislature, different ministers made 32 appearances before the two Houses's standing committees. Hearings were also organized with European Commissioners, members of the European parliament, the governor of the Bank of Italy and the director of the special coordination unit for the management of structural funds.

### *The Italian parliament's role in the implementation of EU legislation*

Until very recently, the discussion and adoption of measures implementing EU legislation represented the main access point to the EU policy process for the Italian parliament. The focal point for the parliament's involvement in the implementation phase was the Annual Community Law, set up in 1989 with the La Pergola Law, subsequently amended several times and currently regulated by Law 11/2005. The purpose of the Annual Community Law is to ensure the regular, systematic and timely transposition of EU legislation into the national legal order (see Chapter 5). The discussion and approval of the bill is conducted in parallel

with the discussion of the government's Annual Report on EU affairs, thus creating a sort of "Community session", during which the parliament focuses exclusively on EU policies.

By virtue of the mechanisms introduced with the Community Act, the parliament can have a complete picture of the measures to be incorporated in the national legal order, and then decide on the most appropriate legal tool to use for the implementation of each of them (law, delegated legislation, regulation, etc). The rationale behind the Community Act is therefore to strike a balance between efficiency and democratic control. On one hand, by combining several implementing measures in a single package, the government can speed up adoption and reduce the chances of having an individual measure held up by parliament. On the other hand, parliament obtains information and oversees a number of measures that would normally be adopted by the government or the Regions, without its participation.

As mentioned in section 3, apart from the Annual Community Act, the Houses are involved in the implementation of EU law through other channels. The standing committees can review and adopt resolutions on the acts adopted by the EU institutions and on decisions of the ECJ. Most importantly, for each legislative proposal discussed by the parliament, the Committees on EU policies give an opinion as regards its conformity with EU law.

Accordingly, several measures have been introduced by parliament to enhance the quality of implementing legislation and to ensure greater coherence between domestic and EU regulations. For the Chamber of Deputies now, one of the mandatory parameters to be considered by standing committees when conducting the pre-legislative evaluation of domestic bills is their level of consistency with EC legislation. The opinion of the Committee for EU policies on the consistency of internal legislation with EU norms has also been given

greater weight. In short, this means that the standing committee may overrule a negative opinion issued by the committee only after having obtained a vote in their favor from the plenary.

The Chamber has also included the "Community bill" among the instruments to be evaluated by the Committee for Legislation, an ad hoc body established in 1998 and composed of ten deputies. The Committee for Legislation provides the other standing committees with "neutral" advice concerning the quality of legislation, some categories of bills, and schemes of governmental regulations: in certain cases, this is obligatory; in others it can be requested by a minority of members of the committee. Its opinion may only be overruled by a vote of the plenary.

As regards the simplification of legislation, the most noteworthy innovation is the shift from fragmented initiatives to an organic and periodic program within the framework of the annual simplification law introduced with Law 50 of March 8, 1999. This system envisages that each year the government present both Houses with a program for the simplification and reorganization of existing legislation in a set of areas listed therein. On the basis of guidelines set out by parliament, the government adopts – within a fixed timetable – consolidated texts, which repeal obsolete provisions, amend and coordinate norms, and systematically identify legislative rules, administrative regulations and relevant EU legislation on the same subject. Parliamentary committees monitor the enactment of consolidated texts.

*Participation in COSAC's activities and other interparliamentary bodies*

The Italian parliament takes an active part in COSAC meetings. The Italian delegation is composed of representatives from the Bureaus of both Houses' Committees for EU policies. Participation in COSAC debates provides Italian deputies with an important opportunity to share best practices with their EU counterparts and to acquire first hand information on other parliaments' experiences with scrutiny of EU affairs. This played an important role, for example, in shaping the ideas that drove the recent reforms of parliamentary participation in EU decision-making. Indeed, the Italian parliament favored the further development of COSAC and supported the proposal to establish a permanent secretariat. The Italian parliament also actively participated in the meetings of the EU parliament's Conference of Speakers.

### *Conclusions*

Any independent observer, looking at the Italian parliament's role in EU affairs, should be remarkably impressed by the improvements made in the last ten years or so. In a short time-span, the Italian parliament has successfully addressed many issues that had remained unresolved for years, thus greatly reducing the gap with those national parliaments that were best organized in the scrutiny of EU affairs. While maintaining its traditional model of "paper-based scrutiny", the parliament now has in place a full-fledged scrutiny system based on the leading role of permanent committees specialized in EU affairs. It has expanded the scope of its scrutiny of EU policies, it is regularly informed of developments in EU affairs, it has developed clear procedures for scrutiny and fact-finding, it is even protected in its prerogatives by the introduction of a scrutiny reserve system. This progress is also matched by further developments within the executive: the government has finally created a coordinating

body on EU affairs, thereby helping to fill the gap with other member states (see next chapter). The degree of Europeanization of the Italian parliament in 2006 is certainly greater than ever before.

Moreover, recent legislative changes signal a significant evolution in the way relations between Europe and the parliament is perceived. In the 1980s, scrutiny of EU legislation was considered a matter for the European parliament. The national parliaments were then called to play a role in the scrutiny of EU policies to compensate for the democratic deficit at a European level – a stopgap move, meant to last only until the European parliament succeeded in developing full legislative and control powers. The focus of the Italian parliament's action on EU affairs was thus the implementation of EU directives.

In the wave of reforms that followed the signing of the Amsterdam Treaty, the parliament's role in EU affairs moved away from a position focused on the implementation of EU directives, towards a more positive and proactive role in shaping the national position on draft EU legislation. This reflects the idea that the EU and the Italian political systems are no longer two "separate legal orders"; they are rather two deeply interconnected systems. Consequently, the national parliament's participation in EU decision-making is also essential to the quality of domestic legislation as the parliament has to factor in EU policy priorities when legislating. Conversely, parliamentary input can be instrumental to assessing the likely impact of draft EU legislation on the domestic system, thus contributing to the preparation of a stronger and better argued national position in negotiations within the Council. Thus, the Italian government and parliament become allies – not rivals – in the formulation of national positions on EU policy.



However, by looking only at legislative developments it is easy to exaggerate the impact of the various reforms. From interviews with MPs, for example, quite a different picture emerges: first, committees' hearings are less frequent than one would expect from an active parliament; secondly, the government's coordinating body, CIACE, is still essentially a "paper body" with little significance in practice, as we shall see in Chapter 5. Thus, in truth, the parliament still has to deal with a fragmented interlocutor. Thirdly, not only has the parliamentary scrutiny reserve never been used (at the time of this writing), but there are members of the XIV Commissions today that are not even aware of the existence of such a negotiating tool (!).

Hence, though it is indisputable that significant improvements have been made, it also has to be said that full advantage has not been taken of their potential. Worse yet, the extent of these improvements are not clear to many MPs. Thus, it is more prudent at this stage to suspend judgment on the real impact of the reforms. It remains to be seen whether they will deliver real change or whether, once again, Prince Fabrizio di Salina's famous phrase in Giuseppe Tomasi di Lampedusa's *The Leopard* will hold true for Italy: "Things must change if they are to remain the same...".

