

Working Group IV

Working document 19

## **Working group IV – "Role of National Parliaments"**

**Subject:** – Paper by Mr Filadelfio Basile, alternate member of the Convention  
" The Italian Parliament's control of the EU decision-making process "

Members of Working Group IV will find hereafter a paper by Mr Filadelfio Basile, representative of the Italian Parliament, alternate member of the Convention.

**CONTRIBUTION BY SEN. FILADELFIO BASILE**  
**THE ITALIAN PARLIAMENT'S CONTROL OF THE EU**  
**DECISION-MAKING PROCESS**

Before starting up with a short analysis of the way the Italian Parliament's control of the EU decision-making process actually works, it is necessary to underline that the 1999 reform of the Chamber of Deputies' rules of procedure has introduced a significant unbalance between the Chamber's EU affairs committee (that has become a standing committee, with specific and autonomous tasks) and the Senate's Giunta, whose powers are almost exclusively consultative. For instance, as far as the EC Community law is concerned, the Chamber's EU committee is directly competent, whereas, in the case of the Senate, the primary competence still pertains to the Constitutional Affairs Committee and the Giunta is merely consulted.

Soon before the Versailles COSAC, in October 2000, a questionnaire on the National Parliaments' control over the EU decision-making process was distributed to all the participants. As the Chamber of Deputies and the Senate's Committees on EU Affairs made clear in their answers, parliamentary control of the EU decision-making process is regulated not only by the Protocol on the Role of National Parliaments, but also by specific articles in national laws. The Government is bound to transmit to the Chambers' Presidents all EU legislative proposals, leaving the competent committees enough time to scrutinise them. In both branches of the Italian Parliament, direct competence on EU legislative proposals is attributed to the competent standing committees, whereas the EU affairs committees (the "Giunta per gli affari delle Comunità europee" at the Senate and the "Commissione per le politiche comunitarie", or XIV standing committee at the Chamber of Deputies) must be regularly consulted.

Yet, reality has proved sensibly different from the premises. By the year 2000, there still wasn't any regular basis for Government's transmission of EU proposals, even though some significant improvements had taken place after the ratification of the Amsterdam Treaty. Those improvements led, in a six months period (September 2000 - March 2001), to an unprecedented effort to scrutinise proposals for community law. As far as the Senate's Giunta is concerned, for instance, about seventy such documents were considered and comments were transmitted to the Government. It must be underlined that this unusual performance stressed the greater awareness of this procedure shown by the Giunta as compared with the competent standing committees. Though the latter have primary competence over the specific subjects, over the same period they considered only one

proposal for community law, so that, on the basis provided by the Senate's rules of procedure, the Giunta - after a 15 days delay - sent its opinions directly to the Government.

Another significant improvement as far as parliamentary control on EU legislative processes is concerned took place in the first semester of the year 2000, when both the Giunta and the XIV Committee examined the Commission's legislative program for the year 2000 as well as the orientations for the years 2000-2005, collecting the opinion of all the competent standing committees. This experience has been partially repeated this year, when the Giunta started the examination of the Commission's 2002 legislative program.

As the Chamber's XIV committee's answers to the Versailles questionnaire clearly underlined, the sensible increase in the flow of EU proposals from the Government to the Parliament was not unproblematic. The proposals were often sent only when the EU negotiations were in such an advanced state that the Parliament's opinion was substantially unuseful and ineffective. They were also sent without any written paper concerning the legal and socioeconomic impact of proposals for European law on the national level. This is why, for instance, the Giunta found it useful to consider together all proposals coming under the same subject areas and to invite each Minister to report on the Government's position on all the EU proposals falling under his/her responsibility. The Government's difficulties in providing full information about EU legislative proposals are one of the most significant consequences of the lack of a single referent for the Parliament - EU matters being somehow split between the Foreign Affairs and the EU Affairs Ministers -, as well as of an effective coordination between the different administrations involved in the legislative process and in the sectorial Councils. The Government itself has recently presented a legislative proposal that could change and improve significantly both Italy's participation to the EU legislative activities and the Parliament's involvement, and that will be examined by the Chamber of Deputies (first reading) by the end of the year.

With the opening of the new legislature, in April 2001, the flow of EU documents from the Government can be considered as substantially reduced. Consequently, the parliamentary exam of EU legislative proposals has also become more sporadic. The most significant exception (as well as an element of innovation that ought to be furtherly analysed) has been represented by the Acts on the election of the European Parliament and on the EU Political Parties, when the Government, taking into consideration the primary law impact of the EU proposals, substantially introduced an *ad hoc* scrutiny reserve, usually not contemplated by Italy's parliamentary rules of procedure. The

XIV Commission also examined, together with the competent standing committees, two legislative proposals concerning, respectively, Structural Funds and the environmental sector.

Both the Giunta and the XIV Commission have solicited the Government to regularly transmit both the legislative proposals and the EU documents directly related (i.e., white and green papers, communications); more specifically, the XIV Commission has voted a Resolution (last February), binding the Government:

- To grant a well-timed and systematic transmission to the Parliament of all EU legislative proposals and of all the acts and documents preordained to their formulation;
- To concentrate on a single political and administrative subject the task of transmitting the legislative proposals to the Parliament and of receiving and forwarding the Parliament's opinions to the Permanent Representative in Brussels;
- To make sure that the documents transmitted to the Parliament will be integrated with technical Reports on the state of negotiations in Brussels and on the full impact of any legislative proposal on national law and on Italy's socio-economic reality, as well as by the opinions given by other subjects directly involved in a scrutiny activity, first of all the Regions and Local authorities, that also repeatedly underlined the lack of satisfying and regular information on EU legislative proposals.

From this brief survey, it can be concluded that Parliamentary control on the EU legislative process cannot yet be considered as fully satisfying, and that a series of improvements - from removing the unbalance between the EU affairs committees' powers and status, to centralising the Government's activities at the EU level and concentrating on a single subject the task of informing the Parliament on EU legislation, to improving the Regions' participation in the scrutiny activity - will be indispensable, together with a series of initiatives to increase the National Parliamentarians' own EU sensibility.