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Michelangelo Vercesi

## MPs Versus Prime Ministers

How German and Italian Parliaments Keep Tabs  
on the European Council



Vigoni Paper n. 1/2023

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## Abstract\*

European integration has been a significant drive behind the weakening of national parliaments to the advantage of political executives in the EU. In this regard, scholars have observed that this shift of power is an inherent aspect of international cooperation, which favors the functional redistribution of authority among policy-making institutions and fosters policy-making centralization. Within political executives, the head of government is the actor who benefits the most from this process. Against this background, national parliaments have responded and developed a range of strategies to keep tabs on chief executives, especially after the entry into force of the Lisbon Treaty. This paper aims to assess the nature and the impact of these strategies, by focusing on the institutional mechanisms and practices MPs rely on to oversight prime ministers before and after the meetings of the European Council. Germany and Italy are used as case studies. Contrary to the most negative views about parliamentary capacity to control EU affairs in the two countries, the analysis shows that MPs make effective use of their powers to affect the agenda of EU summits. However, there are differences between the two countries. While German MPs have strong formal powers and are characterized by moderate activism, Italian MPs suffer from a weaker position *vis-à-vis* the prime minister and make a limited use of the institutional mechanisms at their disposal. The work discusses the redefinition of democratic accountability in EU affairs, in light of remarkable trends towards the political empowerment of chief executives.





## Table of Contents

1. An Open Issue: The Role of National Parliaments in the Definition of European Policy	3
2. The European Council Makes Prime Ministers Stronger	6
3. How National Parliaments Can Oversight Chief Executives in the European Council	9
4. Parliamentary Control Mechanisms in Germany and Italy	11
5. Discussion and Outlooks	15
6. References	18



# MPs Versus Prime Ministers: How German and Italian Parliaments Keep Tabs on the European Council

Michelangelo Vercesi

## 1. An Open Issue: The Role of National Parliaments in the Definition of European Policy

In the literature on Europeanisation (and beyond), one of the most long-standing questions is whether national parliaments have lost policy-making power as the European Union (EU) integration process has unfolded (Auel 2015; Kinski 2021). Until the Maastricht Treaty (Treaty of the European Union, TEU) of 1992, the conventional wisdom was that they 'were losing legislative power not only to the EU, but they were also losing competencies in relation to national governments' (Saalfeld 2005: 345). In a nutshell, national parliaments became the losers of the integration process, while political executives became the winners. According to Moravcsik (1994), this shift in the legislative-executive relations is the logical outcome of international cooperation, whereby the direct involvement of national governments in European decision-making redistributes four key resources at the domestic level: initiative (i.e., the executive gains control of the political agenda); institutions (i.e., new decision-making procedures favor national governments); information (i.e., information asymmetries grow to the expense of those who do not participate in supra-national arenas); and ideas (i.e., governments have more leeway to justify their actions at the domestic level). Within political

executives, the heads of government, in turn, are the actors who mostly take advantage, due to their prominent role as members of the European Council (Johansson and Tallberg 2010; Borrás and Peters 2011).

National parliaments, however, have not remained passive and have soon developed strategies and institutional mechanisms to cope with Europeanization. From losers, they have turned into 'slow adapters' and, in some cases, into true 'national players' (Maurer and Wessels 2001; Raunio and Hix 2001). Yet, some scholars of European and Constitutional Law have argued that scrutiny mechanisms *vis-à-vis* the executives are still insufficient and sometimes not even fully used by national parliaments (Fromage 2017). In this regard, Art. 10 (§2) of the TEU states that 'Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens'. Therefore, poor parliamentary control over cabinet members, and in particular heads of government, generates a problem of democratic deficit at both the EU and national level<sup>1</sup> (Hobolt and Tilley 2014; Crum and Curtin 2015).

This work investigates and assesses the mechanisms and the behavioral practices that parliaments adopt - as of February 2023 - to hold their heads of government accountable regarding the European Council in two EU major players: Germany and Italy. Germany and Italy were both founding members of the European (Economic) Community in

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1 This especially applies to parliamentary systems, where the cabinet is accountable to the parliament and the head of state is not elected by the citizens. As of February 2023, twelve EU member states have a popularly elected president and a cabinet accountable to the parliament (semi-presidential countries), fourteen are parliamentary countries, and one (Cyprus) is presidential.

the 1950s; this should reduce possible variation due to the country's date of accession (e.g., Bergman 1997). Both countries are also likely to play a key role in the future of the EU, for better or worse (Piattoni et al. 2018). Moreover, the dual comparison helps detect specific idiosyncrasies and avoid the pitfalls of 'methodological nationalism' (Goetz and Meyer-Sahling 2008: 21). The focus will be on the lower house of the parliament.<sup>2</sup> How do German and Italian parliaments control their heads of government? Is their action coherent with the instruments at their disposal?

The next section introduces the European Council and clarifies why and to what extent this institution has made national chief executives stronger. Moreover, it describes the particular impact of this process in Germany and Italy. The third section presents an analytical overview of the range of options that national parliaments have to hold chief executives accountable when they act at the EU level. The subsequent section is an empirical and systematic investigation of the German and Italian cases, based on this framework. Finally, the study discusses the findings and the implications for political accountability in the EU.

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2 Both countries have a bicameral parliament. In Germany, the *Bundestag* is the only directly elected chamber (lower house), which can withdraw the confidence from the cabinet; the *Bunderat* is made of delegates of the cabinets of the *Länder* and it is not in a relationship of confidence with the cabinet. In Italy, the government is accountable to both chambers: the Chamber of Deputies (lower house) and the Senate, which are both directly elected.

## 2. The European Council Makes Prime Ministers Stronger

The European Council comprises prime ministers and – only for Cyprus, France, Lithuania, and Romania – heads of states from EU member states. A qualified majority elect its president for 2.5 years (renewable once); the president of the European Commission is a member as well.

In terms of power, the European Council is the dominant EU institution, performing general political leadership (Wessels 2016): its meetings ‘mark the rhythm of the Union’s various activities in the way religious feast days marked the rhythm of daily life in medieval Christendom (de Schoutheete 2012; 64-65); Formally, it does ‘not exercise legislative functions’ (TEU, Art. 15, §1), but it often plays a key role in determining EU policy direction and, sometimes, it facilitates the agreements within the Council of the EU (Puetter and Fabbrini 2016). The entry into force of the Treaty of Lisbon (1 December 2009) gave autonomy to the European Council relative to the Council of the EU: ‘The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof’ (TEU, Art. 15, §1).

According to Wessels and Rozenberg (2013: 16), the European Council is particularly powerful because: (1) it decides behind ‘closed doors’; (2) it is not accountable to any political institution; (3) its decisions are highly salient for member states; (4) national parliaments are not well suited to control these decisions. It is also worth noting that the influence of the European Council has grown over time, especially during the 2008 financial crisis, the following great recession, and the Covid-19 pandemic crisis of 2020-2022. Although the Art. 15 (§3) of the TEU states that ‘[t]he Euro-

pean Council shall meet twice every six months', its members have increasingly met over time. From March 6, 2014 to February 9, 2023, the overall number of meetings was 74 (including special, informal, and extraordinary meetings).<sup>3</sup> From 2001 to 2011, that number had been 47 (see Wessels and Rozenberg 2013: 15).

The growing relevance of the European Council has meant – transitively – more power for the heads of government (and state) who make it up. This is due to the so-called 'summitry' phenomenon (see Putnam 1988; King 1994). In a nutshell, political institutions at the domestic level suffer from a functional pressure to give decision-making authority (and political discretion) to those actors who represent the country in international summits (Johansson and Tallberg 2010). Since chief executives are the only actors who are entitled to participate in the European Council, there is a shift of power from the parliament to the executive and, within the executive, from the cabinet as a whole to its head.<sup>4</sup> Therefore, it is not surprising that scholars have conceptualized summitry – and more generally the internationalization of politics – as a significant drive towards the 'presidentialization of politics' in parliamentary systems (Poguntke and Webb 2005: 13-14).

In the EU, summits legitimize the concentration of power in the hands of prime ministers, who can 'sell' the agreements made with their counterparts 'to their parliaments, cabinets, and parties as "take it or leave it" decisions' (Müller-Rommel et al. 2022: 82). One can think of the success of prime ministers in the imposition of austerity measures during the Euro crisis (e.g., Moury and Standing 2017).

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3 Own calculation based on search results from <https://www.consilium.europa.eu/en/>.

4 Henceforth, I refer exclusively to prime ministers.

With regard to Germany and Italy, they have not been alien to this trend. Although in different ways and to different extent, the German chancellor and the Italian president of the council of ministers have both benefited from it, to the detriment of collective political actors.

For European standards, the German chancellor has traditionally been a strong head of government, yet embedded in an established system of institutional veto points (e.g., Müller-Rommel 1997; Bergman et al. 2003; Caciagli 2005; Niklauß 2015). In recent decades, she/he has expanded her/his policy autonomy whenever exceptional windows of opportunity have allowed it (Vercesi 2020). For example, Gerard Schröder (1998-2005) took advantage of contingent political events to strengthen his relationship with media and to bypass his party, while directly appealing to voters to support his actions (e.g., Patzelt 2004: 268; Poguntke 2005). Even more than Schröder, Angela Merkel (2005-2022) used crisis management to boost her power domestically and internationally (e.g., Helms and van Esch 2017; Bolgherini and D'Ottavio 2019; Vercesi 2022). The 'hollowing out' of the parliamentary control over chief executives' policy decisions has been boosted by EU integration and, in particular, by the outstanding role of German chancellors in the EU politics and the expansion of the European Council political agenda (Töller 2004; Grotz and Schroeder 2021).

In Italy, the breakdown of the then party system in the mid-1990s gave the prime minister the chance to enjoy a previously unknown autonomy from (now weak) parties (Cotta and Marangoni 2015; Musella and Vercesi 2019). Italian prime ministers have become the undisputed catalysts of media attention during electoral campaigns. Moreover, they have gained greater authority as agenda setters with-



in the cabinet (Calise 2005; Campus and Pasquino 2005). Some prime ministers have been technocrats and their policy expertise has significantly increased their standing as negotiators within EU arenas in the eyes of the domestic public opinion: Mario Monti (2011-2013) and Mario Draghi (2021-2022) are cases in point (e.g., Vercesi 2019; Capano and Sandri 2022). In the European Council, prime ministers have been able 'to play a crucial role, in the name and representation of Italy, in the planning, bargaining, and definition of a set of policies' (Lupo 2019: 201).

Therefore, national parliaments in Germany and Italy have to face the empowerment of political executives and, in particular, of the heads of government. In this context, the delegation problem about EU matters presents a specific dilemma between control and retreat. If national MPs surrendered and delegated 'too much', the accountability of chief executives in the European Council would be severely undermined and the distance between the national *demos* and the EU would further increase. At the same time, too tight constraints would limit prime ministerial discretion to such an extent that a 'lame duck' would represent the country at the EU level.

How can parliaments solve this dilemma? To what extent can (and should) they control their prime ministers?

### 3. How National Parliaments Can Oversight Chief Executives in the European Council

In Raunio's (2005: 320) words, 'if a national legislature wants to influence EU decision-making, this must occur through its national government'. In this regard, the scholarship tells that parliaments with more oversight powers ac-

tually tend to have an impact on the behavior of their prime ministers in the European Council (Hagemann 2019).<sup>5</sup>

One can understand the relationship between national parliaments and the prime minister in the European Council as a relationship between a principal (the parliament) and an agent (the prime minister). Given institutional opportunities and constraints, MPs have (or do not have) political incentives to delegate decision-making authority to the head of government, based on their strategic goals (Saalfeld 2005: 344-347). At one extreme of the delegation continuum, MPs may work to mandate the prime minister fully; at the other extreme, MPs totally abdicate and endow the prime minister with the largest discretion possible. The level of delegation results from the cumulative use of control mechanisms before the European Council meeting and screening afterwards.<sup>6</sup>

Problems of delegation (i.e., whether, how, and how much) emerge whenever the agent have different policy preferences relative to her principal (and especially when the issues at stake are salient). In this case, the agent (i.e., the prime minister) may try to use her informational advantage in the European Council to drift away from the national parliament's *desiderata*. However, MPs have to leave sufficient room of maneuver to the prime minister to respond to unexpected changes in the bargaining environment during the

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5 For the sake of simplicity, this analysis assumes that the parliament is a unitary actor made of several MPs, who are interested in affecting EU policy through their executives. However, government-opposition dynamics may matter for the 'policy direction' that MPs try to elicit (e.g., Tuttnauer 2018).

6 With regard to abdication, it is worth noting that the absence of action does not always indicate no parliamentary influence. Rather, powerful parliaments may not need to act, because they already know that the prime minister could run into political problems if she did not act as the MPs desire. In this regard, Martin (2000) has proposed to use the outcomes of the decision-making process in international arenas as proxies to 'measure' the impact of these anticipated reactions on the behavior of parliamentary agents.

summit. Saalfeld (2005: 353) has summarized this trade-off between control and delegation as follows: 'principals can be important [...] not only because they are able to refuse ratification or delay implementation of a deal [...], but also because they have an impact on the government's ability to make credible commitments at the international stage.'

Seeing as how chief executives cannot be monitored during the meetings, national parliaments have only *ex-ante* and *ex-post* control mechanisms at their disposal. Mechanisms' availability depends on national rules and the extent of their implementation depends on MPs' strategic calculations. The most common devices for *ex-ante* scrutiny are parliamentary committees, in particular the committee on EU Affairs (EAC). Plenary debates are also potential sources of control. Prime ministerial reports and debates within committees or in the plenary after a European Council meeting are mechanisms for *ex-post* accountability.

What specific institutional devices do German and Italian MPs use? How do they use them?

#### 4. Parliamentary Control Mechanisms in Germany and Italy

The two most recent laws that regulate the relationship between the (lower house of the) parliament and the head of government in the context of European Council meetings in Germany and Italy are – respectively – the 'Law on the Cooperation Between the Federal Government and the German *Bundestag* Regarding the European Union (*Gesetz über die Zusammenarbeit von Bundesregierung und Deutschem Bundestag in Angelegenheiten der Europäischen Union* – EUZBBG) of 4 July 2013 and the law on the 'Participation of

Italy in the Formation and Implementation of European Union Law and Policies Regulation (*Norme generali sulla partecipazione dell'Italia alla formazione e all'attuazione della normativa e delle politiche dell'Unione europea*, No. 234/2012) of 24 December 2012.

The two laws are similar when it comes to setting general principles of delegation and accountability, before and after the European Council. The German law, for example, states that the government must inform the *Bundestag* before the meeting fully and quickly, so that the chamber can *influence* executive's actions at the EU level; after the meeting, the government must inform both in writing and orally (Art. 1, §1; Art. 4, §1, 4). According to the Italian law, the government must communicate its anticipated positions to the parliament in view of the upcoming meeting and must provide a report afterwards, within 15 days. Interestingly enough, the prime minister should promote the line suggested by the parliament, when acting at the EU level.<sup>7</sup> In this regard, it is important stressing that the Italian parliament has become stronger in most recent decades (see Winzen 2012; Nesti and Grimaldi 2018).

Against this background, this analysis follows in Raurio's (2005: 322-323) steps and proposes three indicators of *ex-ante* and *ex-post* control: (1) the degree of parliamentary involvement, via the EAC, other committees, or the plenary; (2) the access to information, which is defined by the timing and the accessibility of documents; (3) the power to mandate and to sanction the chief executive (see also Auel et al. 2015).

The number of EAC meetings is a proxy of the specialized involvement of the MPs. In the most recently concluded legislative terms in Germany (19th term, 2017-2021) and

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7 See 'La partecipazione del Parlamento alla formazione delle politiche europee' on the website of the Italian Chamber of Deputies, [https://www.camera.it/leg19/398?europa\\_estero=661](https://www.camera.it/leg19/398?europa_estero=661).

Italy (18th term, 2018-2022), the EAC of the *Bundestag* met 96 times in four years, while the EAC of the Chamber of Deputies 743 times in five years.<sup>8</sup> Scholars have observed, however, that Germany is characterized by a stronger involvement of other committees and the plenary, compared to Italy (Bergman et al. 2003: 175; Wessels and Rozenberg: 38). It is worth noting that German MEPs have seats on the EAC with no voting rights. Even though the participation of MEPs does not guarantee higher control, it is a signal of more familiarity with EU issues. In fact, MEPs in the *Bundestag's* EAC are entitled to speak, in particular to inform the committee about the progress of the legislation in the European Parliament.<sup>9</sup>

With regard to the access to information, both the German and the Italian parliament are influential institutions. As observed above, both have the right to receive communications before and after the European Council and, moreover, the executive is obliged to transfer the documents after the summit in two weeks, which is a very short time for EU standards (e.g., Raunio 2005: 322).

Finally, mandating power is important in itself, but its effectiveness depends on the possibility to sanction the 'bad agent' (in this case, the prime minister and – conse-

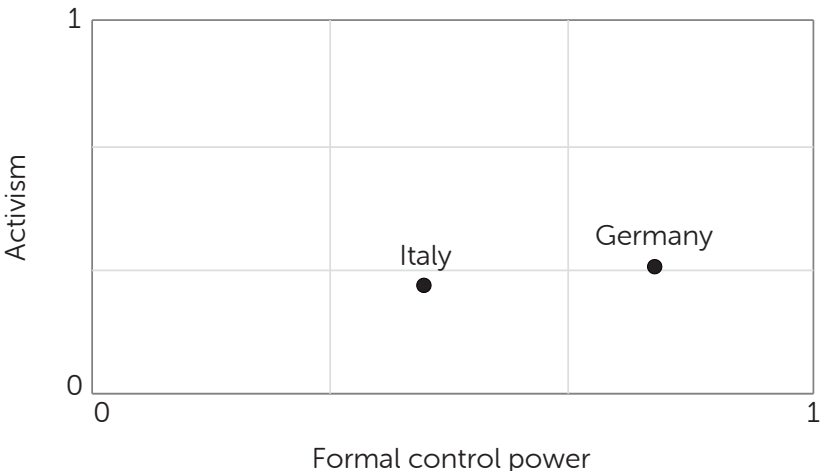
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8 Data from *Die Arbeit des EU-Ausschusses in der 19. Wahlperiode*, Deutscher Bundestag ([https://www.bundestag.de/resource/blob/871194/2ecf68e-68f169094adda3d209f874db0/arbeit\\_19wp-data.pdf](https://www.bundestag.de/resource/blob/871194/2ecf68e-68f169094adda3d209f874db0/arbeit_19wp-data.pdf)) and *Statistiche della Commissione politiche dell'Unione europea*, Camera dei Deputati ([https://www.camera.it/leg18/564?tiposezione=A&sezione=3&tabella=A\\_3\\_13\\_14](https://www.camera.it/leg18/564?tiposezione=A&sezione=3&tabella=A_3_13_14)), respectively.

9 See 'Cooperation between Parliaments in Europe', available on the website of the German *Bundestag* ([https://www.bundestag.de/en/europe/european\\_policy/euoparl](https://www.bundestag.de/en/europe/european_policy/euoparl)). Similarly, Italian MEPs can be invited with no voting rights to participate in the meetings of the EAC of the Italian Senate. They can make suggestions about the work of the committee (see Art, 23, ¶1-bis of the Rules of the Senate: <https://www.senato.it/2823?contenuto=334>).

quently – her government). The more the parliament can oversight the prime minister after a meeting, the higher the pressure for the prime minister to respect the ‘will of the MPs’. Traditionally, the mandating and control power of the German parliament has been greater (Raunio and Hix 2001: 156). For example, the German parliament has had the right to draft legally binding opinions, due to ‘official prescriptions for instructing the Prime Ministers’. Italian MPs, in turn, have been accustomed to issue non-binding recommendations (Wessels and Rozenberg 2013: 48). Both countries tend to promote little debate in the plenary after EU summits, but the German MPs have been more inclined to hold *ex-post* debates at the committee level (Wessels and Rozenberg 2013: 39-40).

Fig. 1. Parliamentary formal control power and activism on EU matters in Germany and Italy



Sources: own elaboration, based on data from the OPAL project (see Auel et al. 2012).

Figure 1 combines aggregate information about the formal control power of the German and Italian lower houses and the general level of their activism in EU matters (European Council meetings included). The scores on both dimensions refer to two indexes, which range from 0 (null) to 1 (highest).

By dividing the highest possible score of the two indexes by three, it is possible to form three informative categories: low level from 0 to 0.33, moderate between 0.33 and 0.66 included, and high above 0.66. In this regard, the German parliament is institutionally strong (0.78) and moderately active (0.34) in EU matters; the Italian parliament results as an institution with moderate formal control (0.46) and low level of activism (0.29).

Based on the above discussion, an overall finding is that the German parliament understands the general committee system as an important device to influence the chancellor in the European Council; at least before EU summits, the plenary plays an important role too. Italy, in turn, is more focused on the use of the specialized EAC. A reason may be the lower formal power of the Italian parliament as a whole, which prompts its MPs to counterbalance this structural 'weakness' with high specialization and influence through a small arena.

To conclude: two parliamentary models emerge. The German parliament is a *policy-maker*,<sup>10</sup> which uses institutional instruments to reiterate its position as the *locus* of the legislative power and to set the chancellor's agenda to the extent possible. The Italian parliament may be depicted as a *policy-shaper*, which steers the prime ministerial course of action mostly through small and dedicated groups of MPs.

What are the implications of these findings for the future of democratic responsibility?

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10 The same label is used by Wessels and Rozenberg (2013: 41).

## 5. Discussion and Outlooks

As said in the introduction, the key question regarding national parliaments and chief executives in the European Council is whether the former can control the latter. A certain degree of control is necessary, so that legislatures can fulfill three fundamental democratic functions: representation (of political interests); legislation (about policy outputs); and oversight (of the executive's actions) (e.g., Battezzorre 2011).

In this regard, the take-home message of the above analysis is that the German and Italian parliaments do their job: they use their available instruments to participate in the definition of the guidelines for the EU summits and to hold the government accountable on these issues. However, '[t]he precision of the formal rules [...] does not necessarily correlate with the assessment of the parliamentarians about their level of information. In Germany, parliamentarians feel a lack of information despite the very detailed legal prescriptions' (Wessels and Rozenberg 2013: 33). Two types of structural constraints feed this frustration.

The first constraint is the "fragmented" executive power of the European Union (Lupo 2019: 205). In practice, the European Commission shares executive functions with the European Council. This dualism makes particularly hard for national parliaments to attribute precise responsibilities regarding EU executive politics (Curtin 2014). Moreover, each parliament can at most control the 'own' prime minister, but this prime minister is just one among other peers. If she has weak bargaining position in the European Council, she might be forced to accept decisions that had not been previously defined at the domestic level.

The second constraint is the personalization of politics, which is inherent to contemporary democratic politics and



triggers a process in which the chief executive gains political authority at the expense of collective actors. In this context, political leaders bypass parties and parliaments, creating – at the same time – a new direct legitimation linkage with voters (Manin 1997; Berz 2019; Musella 2022. Cf. Marino et al. 2022).

What should German and Italian MPs do, on the one hand, to fill the gap between them and EU decision-making and, on the other hand, to adapt to the contemporary developments in domestic politics that make prime ministers stronger also at the EU level? National MPs should take this question seriously and recognize that their parliaments are mostly prepared for national-level politics, because parliamentary legitimation is still based on the support of the respective national community. National assemblies represent single polities, which are parts of a broader set of interconnected European *demos* (Ferrera 2016). Moreover, the ultimate weapon of the censure motion against the head of government cannot be obviously used as a credible threat for each meeting of the European Council.

Admittedly, the German and Italian parliaments have proved to be able to push towards the creation of formal rules that somehow reestablish their power and bring them back in the EU game. This holds in particular for Germany. High levels of activism and careful screening of prime ministerial actions can make this power effective.

Against this background, voters may become – in times of personalization of politics – the key actors, rather than parties and parliaments, for rewarding or punishing the heads of government for their behavior in the EU. Voting behavior should be based – among other things – on the assessment of prime ministerial actions during EU summits; the assessment should be made against previous parliamentary rec-

ommendations. This scenario clarifies why both *ex-ante* and *ex-post* control in parliament is essential: it provides voters with benchmarks to make informed choices. The compromise would be a balance between delegation through parliament and accountability through voters or, more prosaically, between running with the hare of Europeanization and hunting with the hounds of democratic responsibility.

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